AMERICAN STATE PAPERS.

CLASS VI.

NAVAL AFFAIRS.

VOLUME II.

U. S. Congress.

AMERICAN STATE PAPERS.

DOCUMENTS,

LEGISLATIVE AND EXECUTIVE,

OF THE

CONGRESS OF THE UNITED STATES,

FROM THE

FIRST SESSION OF THE EIGHTEENTH TO THE SECOND SESSION OF THE NINETEENTH CONGRESS, INCLUSIVE:

COMMENCING MAY 13, 1824, AND ENDING JANUARY 5, 1827.

SELECTED AND EDITED, UNDER THE AUTHORITY OF CONGRESS,

BY

ASBURY DICKINS, Secretary of the Senate,

AND

JOHN W. FORNEY, Clerk of the House of Representatives.

VOLUME II.
NAVAL AFFAIRS.

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AMERICAN STATE PAPERS.

NAVAL AFFAIRS.

VOLUME II.

18TH CONGRESS.] No. 259. [1ST SESSION.

ON THE MANNER OF SENDING SUPPLIES OF PROVISIONS AND CLOTHING TO THE UNITED STATES SQUADRON ON THE PACIFIC OCEAN.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MAY 13, 1824.

To the House of Representatives:

In compliance with a resolution of the House of Representatives of the 15th April, requesting the President to cause to be communicated to the House a statement of the supplies which have been sent from the United States to any of the ports of South America, for the use of our squadrons on the Pacific ocean, of the amount paid for such supplies, with the names of the owners of the vessels, and other details therein specified, I transmit herewith a report from the Secretary of the Navy, which, with the documents accompanying it, furnishes the information desired.

JAMES MONROE.

MAY 13, 1824.

NAVY DEPARTMENT, *May* 13, 1824.

Sir: In answer to a resolution of the House of Representatives, of the 15th of April, calling for information in relation to provisions and stores furnished to the squadron in the Pacific ocean, I have the honor to transmit a copy of a letter from the Commissioners of the Navy, dated 8th May, containing papers marked A, B, and C; copy of a letter from the Fourth Auditor, dated 6th May, accompanied by three statements marked D, E, and F, and a copy of a letter from the Fourth Auditor, dated the 8th May, in relation to the slop clothing shipped on board the America, for the United States ship Franklin, in the Pacific ocean; which contain, together, the information required by the resolution.

I am, with the highest respect, sir, yours, &c., &c.,

SAM. L. SOUTHARD.

The PRESIDENT *of the United States.*

NAVY COMMISSIONERS' OFFICE, *May* 8, 1824.

SIR: The Navy Commissioners have the honor of submitting the enclosed paper A, which furnishes the information in their possession, called for by the resolution of the honorable the House of Representatives of the 15th ult.

With regard to the shipment of slop clothing, authorized to be made in the ship America, the Commissioners beg leave to present:

Paper B, copy of a letter from Mr. Fitzgerald, purser of the Franklin, to the Commissioners, dated 21st September, 1821.

Paper C, copy of a letter from the board to Commodore Charles Stewart, dated 24th September, 1821, authorizing him to ship a few hogsheads of slop clothing to Valparaiso, in the ship America; which papers contain all the information in the possession of this office upon the subject.

I have the honor to be, with great respect, sir, your most obedient servant,

JNO. RODGERS.

Honorable SAMUEL L. SOUTHARD, *Secretary of the Navy.*

A.

Exhibit showing the kind and quantity of provisions, stores, or supplies, shipped from the United States, for the use of our vessels of war, in the Pacific; the ports whence shipped; the names of the ships or vessels employed; the time when shipped; the freight agreed to be paid; and the names of the owner or owners of such ships or vessels.

Provisions, &c., shipped.	Ports whence shipped.	Names of the ships or vessels.	Time when shipped.	Freight agreed to be paid per barrel.	Names of the owners of such ships or vessels.
Four hundred barrels pork, twenty-two kegs of yellow paint, eight kegs of black paint, fifty-six kegs of white lead, five tierces linseed oil, one and a half casks of spirits of turpentine, twenty barrels tar, five barrels turpentine, five barrels pitch, five kegs verdigris, and one keg of litharge.....	Baltimore.....	Armenius	October, 1821.	$3 00	James Bosley.
A few hogsheads of slop clothing, such as the Franklin could not conveniently receive on board.....	New York..	America.	September	....	S. Whitney, E. Tibbets, G. Hoyt and Henry L. Dekoven.
Four hundred barrels of flour.....	New York..... ...	Potosi ..	February, 1822	3 00	N. and G. Griswold.
Three hundred barrels beef, one hundred and fifty barrels of pork, eight hundred barrels of flour, one hundred barrels of bread.....	District of Columbia	Talbot..	July.....	3 00	Richard Gardner.
Three hundred and ten barrels of beef, one hundred and sixty barrels of pork, one hundred and fifty barrels of flour, sixteen hogsheads of molasses, sixty-two barrels of rice, forty-nine barrels of vinegar, two hundred and eight boxes of spermaceti candles.....	Baltimore.....	Orion...	September	3 00	Henry Thompson.
Two hundred barrels of beef, one hundred barrels of pork.....	Boston.....	Tartar..	September, 1823	3 00	Bryant and Sturgess.

B.

NEW YORK, *September* 21, 1821.

SIR: At the request of Commodore Stewart, I am induced to address you on the subject of the slop clothing of the United States ship Franklin. The quantity required is so large, that room cannot be made for the stowing of it in hogsheads on board, and he has suggested the idea of sending a few hogsheads, (if it should meet your approbation,) to Valparaiso, by the ship America, which sails from this port in a few days.

Will you be good enough to inform me, sir, if this suggestion meet your approbation; and if it should, will you be pleased to give orders accordingly?

I have the honor to be, with great respect and esteem, your obedient servant,

EDW'D FITZGERALD, *Purser.*

Commodore JOHN RODGERS, *President of the Board of Navy Commissioners.*

C.

NAVY COMMISSIONERS' OFFICE, *September* 24, 1821.

SIR: Mr. Fitzgerald, purser of the Franklin, has suggested to this board, that the quantity of slop clothing required for the ship Franklin, is so large, that room cannot conveniently be made for the stowing of it in hogsheads on board, and that a few hogsheads might be shipped to Valparaiso in the ship America, which vessel will sail from New York in a few days. The Commissioners concur in this proposition, if you should advise it; and you will consider yourself authorized to have such part of the slop clothing, as cannot conveniently be shipped on board the Franklin, shipped accordingly in the America.

The Commissioners intend shipping by the Armenius, from Baltimore, 400 barrels of pork, for the use of the Franklin, and other vessels on the station to which you are proceeding; this pork will be delivered at Valparaiso.

I am, respectfully, &c., &c.,

JNO. RODGERS.

Commodore STEWART, *New York.*

TREASURY DEPARTMENT, *Fourth Auditor's Office, May* 6, 1824.

SIR: In pursuance of the resolution of the House of Representatives, under date of the 15th ult., calling on the President of the United States "to cause to be laid before the House any information he may possess, showing the kind and quantity of provisions, stores, or supplies of any kind, which have been sent from the United States to any of the ports of South America, on the Pacific ocean, for the use of vessels of war of the United States, designating the port from whence such supplies were sent, the name of the ship or vessel so employed, the time when, and the amount paid for such, and for the transportation thereof; likewise the name of the owner or owners of such ship or vessel; how and when paid; also the amount paid in such ports, by any officer or agent of this government, for supplies of any kind, for the vessels of war of the United States, stating the name and office of the person, the time when, the place where, and the mode of payment; whether in bills, notes or money; if in bills or notes, whether at par value, if not, at what discount or advance,"—I have the honor to transmit herewith, three several statements, exhibiting, so far as can be obtained from accounts received at this office, or from the records thereof, all the information required by said resolution.

I have the honor to be, sir, very respectfully, your obedient servant,

WM. LEE, *Auditor pro tem.*

HON. SAMUEL L. SOUTHARD, *Secretary of the Navy.*

D.

Statement of bills drawn on the Navy Department by the navy agent and officers of the navy in South America, on the Pacific ocean, showing the name and office of the person, the time when, and the place where drawn, the rate of exchange, and the time when such bills were paid.

By whom drawn.	In whose favor drawn.	Date of draft.	Where drawn.	Rate of exchange.	Date of payment of bills by the Secretary of the Navy.	Amount.
James Biddle, captain United States ship Ontario	Henry Hill	March 12, 1818	Valparaiso	2½ per cent. advance	September 19, 1818	$1,000 00
	David R. Maffit	March 12, 1818	do	do	November 2, 1818	9,000 00
	David R. Maffit	June 14, 1818	do	do	November 2, 1818	5,000 00
John Downes, captain United States ship Macedonian	Palmer and Hamilton	March 10, 1819	do	do	July 6, 1819	2,000 00
	Richard R. Boughan	March 8, 1819	do	do	July 20, 1819	10,000 00
	Richard R. Boughan	April 22, 1819	do	do	August 5, 1819	3,500 00
	Peter Roe Dalton	October 12, 1819	do	do	March 22, 1820	5,000 00
	George Bier	October 14, 1819	do	do	March 18, 1820	15,000 00
	John W. Ward	October 27, 1819	do	do	March 20, 1820	4,000 00
	George Bier	November 23, 1819	Lima	5 per cent. advance	March 18, 1820	12,000 00
	George Bier	November 23, 1819	Lima	5 per cent. advance	March 23, 1820	3,000 00
	Peter Roe Dalton	June 9, 1820	Panama	At par	January 19, 1821	500 00
	John M. Maury	June 9, 2820	Panama	At par	January 19, 1821	500 00
	Henry Hill	July 28, 1820	Valparaiso	2½ per cent. advance	March 7, 1821	6,000 00
	Henry Hill	August 2, 1820	do	do	January 19, 1821	3,000 00
	John S. Skinner	August 20, 1820	do	do	January 30, 1821	1,733 44
	James Ingraham	September 20, 1820	Lima	7 per cent. advance	May 8, 1821	10,000 00
	Henry Hill	March 6, 1821	Valparaiso	5 per cent. advance	June 28, 1821	7,000 00
	John Downes	March 10, 1821	do	2½ per cent. advance	July 10, 1821	13,000 00
	Horatio Jerauld	March 15, 1821	do	5 per cent. advance	June 28, 1821	3,449 87
	Horatio Jerauld	March 15, 1821	do	5 per cent. advance	July 10, 1821	2,994 25
	Horatio Jerauld	March 17, 1821	do		July 10, 1821	941 61
	John Downes	August 20, 1820	do	2½ per cent. advance	July 10, 1821	9,000 00
Ben. F. Bourne, purser United States ship Constellation	Charles G. Ridgeley	March 10, 1821	do	5 per cent. advance	July 10, 1821	7,352 25
	Charles G. Ridgeley	April 25, 1821	do	do	September 11, 1821	5,000 00
	Charles G. Ridgeley	May 22, 1821	Coquimbo	do	October 15, 1821	2,125 62
	Charles G. Ridgeley	January 31, 1822	Lima	do	August 5, 1822	7,314 76
	Charles G. Ridgeley	May 4, 1822	Valparaiso	do	September 6, 1822	11,605 71
	Charles G. Ridgeley	May 4, 1822	Valparaiso	do	September 16, 1822	1,640 00
	Charles G. Ridgeley	December 19, 1821	Lima	do	January 22, 1823	12,000 00
Michael Hogan, United States Navy agent at Valparaiso	Charles G. Ridgeley	November 2, 1821	Valparaiso	do	February 26, 1822	9,000 00
	Charles G. Ridgeley	November 2, 1821	do	do	March 30, 1822	7,000 00
	Charles G. Ridgeley	November 2, 1821	do	do	May 27, 1822	4,200 00
	Charles G. Ridgeley	November 2, 1821	do	do	January 22, 1823	6,000 00
	Thomas Ellicott	January 17, 1822	do	do	July 15, 1822	4,187 24
	Hugh Boyle	April 20, 1822	do	do	August 14, 1822	6,000 00
	John Dorr	April 20, 1822	do	do	August 19, 1822	8,000 00

D.—*Statement of bills drawn on the Navy Department*—Continued.

By whom drawn.	In whose favor drawn.	Date of draft.	Where drawn.	Rate of exchange.	Date of payment of bills by the Secretary of the Navy.	Amount.
Michael Hogan, United States Navy agent at Valparaiso	N. Peterson	April 20, 1822	Valparaiso	5 per cent. advance	October 11, 1822	$4,000 00
	Henry S. Lowe	April 29, 1822	do	do	August 21, 1822	580 00
	Henry Henry	April 30, 1822	do	do	August 28, 1822	1,000 00
	Charles M. Worster	January 11, 1823	do	do	May 30, 1823	800 00
	U. & J. Van Buskirk	January 11, 1823	do	do	June 2, 1823	1,714 22
	John McCauley	March 8, 1823	do	do	July 11, 1823	10,000 00
	Robert Folger	March 8, 1823	do	do	July 23, 1823	5,000 00
	Daniel Coit	March 12, 1823	do	do	July 14, 1823	1,000 00
	Robert Folger	March 22, 1823	do	do	August 11, 1823	4,000 00
	Harry Parsons	July 5, 1823	do	do	November 6, 1823	1,000 00
	Harry Parsons	July 5, 1823	do	do	November 7, 1823	9,700 00
	R. Meek, or J. P. Nichols	January 15, 1823	do	At par	December 16, 1823	3,897 87
	William S. Wetmore	June 20, 1823	do	5 per cent. advance	March 12, 1824	5,000 00
	William S. Wetmore	June 21, 1823	do	do	March 12, 1824	5,000 00
	Le Roy Bayard & Co	September 30, 1823	do	do	March 12, 1824	13,700 00
	Henry Henry	September 30, 1823	do	do	March 12, 1824	2,000 00
	Le Roy Bayard & Co	October 20, 1823	do	do	April 7, 1824	20,000 00
	Le Roy Bayard & Co	November 17, 1823	do	At par	April 7, 1824	5,000 00
	Le Roy Bayard & Co	November 20, 1823	do	5 per cent. advance	April 7, 1824	2,000 00
	John McCauley	November 1, 1823	do	At par	May 5, 1824	5,000 00
	Dabney & Stoddard	November 10, 1823	do	5 per cent. advance	April 26, 1824, accepted	*1,400 00
	Lemuel Trip	November 10, 1823	do	do	April 26, 1824, accepted	*500 00
Edward Fitzgerald, pursur United States ship Franklin	Charles Stewart	May 15, 1822	do	do	November 13, 1822	2,000 00
	Charles Stewart	May 15, 1822	do	do	December 23, 1822	20,000 00
	Charles Stewart	May 15, 1822	do	do	January 31, 1823	3,000 00
	Charles Stewart	May 17, 1822	do	do	January 22, 1823	5,000 00
	Charles Stewart	May 18, 1822	do	do	January 22, 1823	5,000 00
	Charles Stewart	May 19, 1822	do		January 22, 1823	4,000 00
	Charles Stewart	June 22, 1822	Quilea	5 per cent. advance	March 5, 1823	3,000 00
	Charles Stewart	July 26, 1822	Valparaiso	do	January 31, 1823	783 00
Michael Hogan, United States Navy agent at Valparaiso	Brown, Buchanan & Co	December 18, 1823	do	do	April 29, 1824, accepted	*3,000 00
	Brown, Watson & Co	December 18, 1823	do	do	April 29, 1824, accepted	*4,000 00
Total						$371,119 84

* Will be paid at maturity.

TREASURY DEPARTMENT, *Fourth Auditor's Office, May 6, 1824.*

W. LEE, *Fourth Auditor pro tem.*

E.

Statement of provisions, stores, or supplies, shipped from the United States to the ports of South America, in the Pacific ocean, for the use of vessels of war of the United States.

Articles shipped.	Cost of articles shipped.	How and when paid.	When and where shipped.	On board of what vessel shipped.	Owners' names.	Rate of transportation.	Amount of transportation.	How and when paid.	Total of cost and transportation.
Four hundred barrels of pork $5,600 00	.....	By Navy Department, March 20, 1821.	.....	.....	.....	.....	.....	.....	
Inspecting, repacking, &c 332 00									
Freight from Norfolk to Baltimore 107 00									
	$6,039 00								
Twenty-two kegs yellow paint	51 25								
Eight kegs black paint	24 00								
Fifty-seven kegs white lead	232 50								
Five tierces linseed oil $218 25									
Five iron-bound casks for linseed oil 7 50									
	225 75								
One and a half barrels spirits of turpentine $19 20									
One and a half iron-bound casks for turpentine 5 00		By the Navy agent at Baltimore, in cash, 13th November, 1821.	At Baltimore, 31st October, 1821.	.....	.....	.....	.....	By the Navy agent at Baltimore, in cash, November 1822.	
	24 20								
Twenty barrels tar	40 00								
Five barrels soft turpentine	12 50								
Five barrels rosin	8 75								
Ten barrels pitch	30 00								
Five kegs verdigris	71 22								
One keg litharge	1 87½								
Drayage, and other contingent expenses	9 39								
The whole of this shipment equal to 459 barrels	$8,770 43½	.....	.....	Ship Armenius.	James Bosley ..	At $3 per barrel	$1,377 00	.....	$8,147 43½
Four hundred barrels flour $2,550 00	.....	By Navy agent at New York, in cash, 25th February, 1822.	At New York, 25th February, 1822.	Ship Potosi.....	N. & G. Griswold.	At $3 per barrel	1,200 00	By the Navy agent at Valparaiso, in cash, August 22, 1822.	3,843 50
Inspecting, lining, and drayage 33 50						Primage, $5.	60 00		
	$2,583 50								
Three hundred and ten barrels beef $2,867 50	.....	By Navy agent at Boston, 28th January, 1822.							
Freight from Boston to Baltimore 124 00									
	2,991 50								
One hundred and sixty barrels pork	2,720 00								
One hundred and fifty barrels flour	1,050 00								
Sixteen hogsheads (1,611 gallons) molasses	542 26								
Sixty-two barrels (13,313 pounds) rice $399 39									
Sixty-two barrels and lining for barrels 17 05		By the Navy agent at Baltimore, in cash, for the pork, in 1819, and for the flour, &c., in August, 1822.	At Baltimore, 28th August, 1822.	.....	.....	.....	.....	By the Navy agent at Baltimore, in cash, August 31, 1822.	
	416 44								
Forty-nine barrels (1,640¾ gallons) vinegar $328 15									
Forty-nine barrels for vinegar 49 00									
	377 15								
Two hundred and eight boxes (6,411½ pounds) sperm candles ... $2,209 37									
Two hundred and eight boxes and drayage for candles 54 62									
	2,263 99								
Cooperage, lining flour, drayage, and other contingent expenses on the cargo	47 41								
The whole shipment equal to 837 barrels	$10,408 75	.....	.....	Brig Orion	Henry Thompson	At $3 per barrel	2,511 00	.....	12,919 75

E.—*Statement of provisions, stores, &c.*—Continued.

Articles shipped.		Cost of articles shipped.	How and when paid.	When and where shipped.	On board of what vessel shipped.	Owners' names.	Rate of transportation.	Amount of transportation.	How and when paid.	Total of cost and transportation.
Eight hundred barrels flour	$4,987 50		By Navy Department in July and August, 1822.	Alexandria, D. C., August, 1822.	*Ship Talbot ..	Richard Gardner	At $3 per barrel	$5,148 00	$2,000 advanced on account by Navy Department, August 10, 1822.	
Inspecting, lining, drayage, &c.	114 61	$5,102 11						4,050 00		
Three hundred barrels beef		2,775 00	By Navy agent at Boston, 28th January, 1822.							
One hundred and fifty barrels pork		1,631 25	By Navy Department, 3d July, 1822.				Additional transportation from Montevideo, as per note.	3,279 97	By Navy agent at Valparaiso, 25th November, 1823.	
One hundred barrels bread	$327 42		By Navy Department, 9th August, 1822.							
Barrels, drayage, wharfage, &c., on bread	37 00	364 42								
		$12,456 8								$19,786 25
Two hundred barrels beef	$1,850 00		By Navy agent at Boston, in cash, December 18, 1823.							
Drayage on beef	11 48	$1,861 48								
One hundred barrels pork	$1,087 50		By Navy Department, on 3d July, 1822.	At Boston, October, 1823.	Ship Tartar	Bryant & Sturges	At $3 per barrel	900 00		3,868 98
Freight from New York to Boston	20 00	1,107 50								
		$2,968 98								
Aggregate		$35,187 91½						13,377 97		$48,565 91½

* The ship Talbot sprung a leak at sea, was obliged to put into Montevideo. She was there condemned, and, on the 1st August, 1823, 600 barrels of flour, 300 barrels beef, 150 barrels pork, and 100 barrels bread, were reshipped on board the brig Winifred, for Valparaiso, the freight of which was to be $3,500. On her passage, 42 barrels flour, 30 barrels pork, and 20 barrels of beef were thrown overboard, as per protest; three barrels beef, and two barrels pork were consumed on board said brig, for which a deduction was made from the remaining part of the cargo, and the balance, say $3,279.97, was paid at Valparaiso, by the United States Navy agent, 24th of November, 1823.

NOTE.—The following port charges and other incidental expenses, accrued on the above-mentioned cargoes, on their arrival at Valparaiso, and paid for by the Navy agent at that place, viz:

On the cargo of the ship Armenius	$1,733 36
On the cargo of the ship Potosi	2,135 25
On the cargo of the brig Orion	1,409 86
On the cargo of the brig Winifred, being originally the cargo of the ship Talbot	355 00
Total	$5,633 47

TREASURY DEPARTMENT, *Fourth Auditor's Office, 6th May*, 1824.

WM. LEE, *Fourth Auditor pro tem.*

F.

Statement of provisions, stores and supplies, purchased for the use of the vessels of war of the United States, in South America, on the Pacific ocean, showing the name and office of the person who made the purchases, the name of the person from whom purchased, the time when, the place where, and the mode of payment.

By whom paid.	To whom paid.	When and where paid.	Beef.		Live stock.		Pork.		Bread and bisc't.	Flour.		Butter.	Cheese.	Rice.	Beans or peas.	Vinegar.	Molasses.	Sprits.
			Pounds.	Pieces and barrels.	Bullocks.	Sheep.	Pounds.	Pieces and barrels.		Pounds.	Barrels and bags.							
Francis A. Thornton, purser U. S. ship Ontario.	Charles S. Cary	Valparaiso, February 28, 1818		3				2										31
	James Brown	Valparaiso, February 28, 1818						2										
Payment in cash, being the proceeds of bills drawn by Captain James Biddle, on the Secretary of the Navy.	Henry Hill	Valparaiso, between February 28, 1818, and January 5, 1819	3,500	25				13	11,248			83	502					164
	Humphrey Bunster	Valparaiso, March 11 and 24, 1818	8,494	1			5,798		16,895	27,752		200	700	435		120		760
	Thomas Ball	Lima, between April 29 and June 30, 1818	1,000											2,300				528
	Thomas Crompton	Lima, June 30, 1818															gals. 45	450
	P. Casanave	Lima, November 7, 1818												1,167			bar. 15	990
	Jose Ulley	Lima, November 24, 1818														180		
	R. I. Cleveland	Lima, November 30, 1818							3,000									
	Thomas Ball	Callao, December 6, 1818	9,654												gallons.			
	John Callow	Valparaiso, December 30, 1818	834				8,442		8,611	1,812		471			160		gallons.	
Jos. Wilson, jr., purser U. S. ship Macedonia.	Henry Hill	Valparaiso, between March 11, 1819, and August 12, 1820	86,805	238			1,675	16	104,658	10,274		3,857	1,050	3,296	920	840	308	9,026
	Andrew Flagus	Callao, between December 4, 1819, and November 6, 1820	3,922					10	4,664								843	6,092
Payments in cash, being the proceeds of bills drawn by Captain John Downs, on the Secretary of the Navy.	Horatio Jerauld	Valparaiso, between March 15 and 17, 1821	47,924						38,132	3,987		1,099	2,541	2,913	758	449	220	1,582
	Gregoria Pomeroy	Panama, between January 15 and June 8, 1820	6,900														256	
	Jose de Tabia	St. Blass, in April and May, 1820	37,547						51,000					800	765			
	Mariano Perez	Guayaquil, June 9, 1819	1,400															
	Sebastian Salvis	St. Blass, July 31, 1819	6,537						5,802							50		
	Jose Bracho	Acapulco, August 25, 1819	599												206			156
	Thomas A. Lane	Coquimbo, September 2, 1820																
	Washington Stewart	Coquimbo, February 26, 1821	3,495						1,056	2,718								
	Pedro Antonio Rigalt	Mallendo, January 31, 1821	4,796															
Ben. F. Bourne, purser U. S. ship Constellation.	William W. Campbell.	Huacho, Callao, Mallendo, between July 8, 1821, and February 2, 1822			30	68												
Payment in cash, being the proceeds of bills drawn by him, on the Secretary of the Navy.	Domingo Castro	Guyaquil, January 4, 1822			8										fanegas.			
	Horatio Jerauld	Valparaiso, in March and April, 1821	26,758				15,777		59,316	3,975			1,776	3,040	28	120	casks 2	
	Michael Hogan	Valparaiso, May 4, 1822	16,082					12	36,562		34			8,200	gls. 800	265	gls. 540	
	George Bier	Callao, February 1, 1822						60										
	Thomas A. Tippet	Chemcay, July 13, 1821			8													
	Edwards & Stewart	Coquimbo, between May 9 and November 23, 1821		26	45			28	11,200									
	Est. Lynch	Lima, January 31, 1822			3													6,000
Michael Hogan, U. S. Navy agent.	Charles Hall & Co	Valparaiso, between September 16 and October 15, 1821	49,900				3,800											
Payment in cash, being the proceeds of bills drawn by him, on the Secretary of the Navy.	Antonia Connison	Valparaiso, October 16, 1821										1,168						
	Richard Dunn	Valparaiso, October 20, 1821																
	A. Livingston	Valparaiso, between October 30, 1821, and March 20, 1823		12				8	3,941		9	337		5,333	150	100	cask 1	
	Robert Nye	Valparaiso, October 31, 1821		14				16	3,735		5					21	gals. 62	1,249
	L. Cross	Valparaiso, October 31, 1821														32	124	
	R. Swain	Valparaiso, October 31, 1821						4										

F.—*Statement of provisions, stores and supplies*—Continued.

By whom paid.	To whom paid.	When and where paid.	Beef.		Live stock.		Pork.		Bread and biscuit.	Flour.		Butter.	Cheese.	Rice.	Beans or peas.	Vinegar.	Molasses.	Spirits.
			Pounds.	Tierces and barrels.	Bullocks.	Sheep.	Pounds.	Tierces and barrels.		Pounds.	Barrels and bags.							
											bags.				fanegas.			
Michael Hogan, U. S. Navy agent.	James S. Ygualt	Valparaiso, October 31, 1811	712				1,525		28,387	6,585	39			549	20	476		230
Payment in cash, being the proceeds of bills drawn by him on the Secretary of the Navy.	Edward Dean	Valparaiso, between October 31, 1821, and April 30, 1822							14,338									
	Andrew Blist	Valparaiso, November 6, 1821							17,335									
	R. Jennings	Valparaiso, October 31, 1821																
	William Thompson	Valparaiso, between November 6, 1821, and May 2, 1822	26,881				1,410				4	162½	500	530				
	Montgomery, Price & Co.	Valparaiso, between October 29, 1821, and February 15, 1823																5,003
	Frederick Hill	Valparaiso, between November 10, 1821, and June 20, 1823						26	113,704		300	5,318	2,976		gals. 760			2,620¾
	J. K. Powditch	Valparaiso, November 6, 1821	17,967				3,130						2,500					
	Jose de Olacqui	Valparaiso, October 31, 1821			21													
	Frost, Jenks & Co.	Valparaiso, January 15, 1823		202														
	Thomas Brown & Co.	Valparaiso, January 8, 1823																6,547
	Thompson & Jackson	Valparaiso, March 22, 1823	47,953															
	John C. Jack	Valparaiso, August 15, 1823		250														
	Daniel W. Coit	Valparaiso, January 1, 1823		39				2				1,230		3,600				
	William Lee	Valparaiso, March 21, 1823																
	Wm. Wheelright	Valparaiso, June 30, 1823		25											fanegas.			
	Charles Potts	Valparaiso, between March 19 and October 27, 1823		63				38				3,907	5,132		87			
	Antonio Delgado	Valparaiso, July 10, 1823													40			
	Joze de Almado	Valparaiso, between August 23 and October 18, 1823							125,042									
	John Barton	Quilca, November 20, 1822							21,373	4,350					20			6-5
	Matthew Jackson	Valparaiso, November 30, 1823	67,914															
	Wm. D. Jones	Valparaiso, November 30, 1823																
			507,923	899	124	68	41,496	337	682,999	61,453	391	17,932½	17,687	31,623	gls. 4,519 fan. 195	2,653	g. 2,398 bat. 15 casks 3	42,113¾

F.—*Statement of provisions, stores and supplies*—Continued.

By whom paid.	To whom paid.	When and where paid.	Raisins and vegetables.	Sugar—lbs. of.	Cocoa—lbs. of.	Hospital stores.	Slop clothing and purser's stores.	Repairs of vessels.	Oil and candles.	Leather and hides.	Paint.	Pitch and tar.	Hemp, twine and sail duck.	Lumber and other materials for repairs.	Fuel.	Amount.
Francis A. Thornton, purser U. S. ship Ontario.	Charles S. Cary	Valparaiso, February 28, 1818														$114 60
	James Brown	Valparaiso, February 28, 1818														
Payment in cash, being the proceeds of bills drawn by Captain James Biddle, on the Secretary of the Navy.	Henry Hill	Valparaiso, between February 28, 1818, and January 5, 1819	$41 97											pine boards	$16 55	76 55
	Humphrey Bunster	Valparaiso, between March 11 and 24, 1818										5		14	98 81	2,945 83
	Thomas Ball	Lima, between April 29 and June 30, 1818	180 73						gal 75				twine	iron, lbs. 85	374 35	5,876 60
	Thomas Crompton	Lima, June 30, 1818	143 00						190				lbs. 10			1,323 12
	P. Casanave	Lima, November 7, 1818														802 62
	Jose Ulley	Lima, November 21, 1818	69 00													1,745 62
	R. I. Cleveland	Lima, November 30, 1818														93 50
	Thomas Ball	Callao, December 6, 1818														300 00
	John Callow	Valparaiso, December 30, 1818	120 35			$76 23									80 00	1,121 74
	Henry Hill	Valparaiso, between March 11, 1819, and August 12, 1820									kegs 2	2			84 37	1,816 67
Jos. Wilson, jr., purser U. S. ship Macedonian.	Andrew Flagus	Callao, between December 4, 1819, and November 6, 1820	830 42	5,322	2,728	201 81	$11,902 38		259	39		5		oakum 638	224 25	37,392 53
Payments in cash, being the proceeds of bills drawn by Captain John Downs, on the Secretary of the Navy.	Horatio Jerauld	Valparaiso, between March 15 and 17, 1821	344 70	10,200	19,035	43 00									85 00	17,846 84
	Gregoria Pomeroy	Panama, between January 15 and June 8, 1820	52 50	1,368		123 62	3,721 75		227	18	lbs. 168	3		1 spar 50	52 25	13,721 75
	Jose de Tabia	St. Blass, in April and May, 1820	60 00											boards	297 00	1,162 50
	Mariano Perez	Guayaquil, June 9, 1819	235 55			53 00										12,311 78
	Sebastian Salvis	St. Blass, July 31, 1819	36 25													120 25
	Jose Bracho	Acapulco, August 25, 1819	60 00			21 62										1,365 00
	Thomas A. Lane	Coquimbo, September 2, 1820	6 00			19 00								junk		549 75
	Washington Stewart	Coquimbo, February 26, 1821												lbs. 1,725		103 50
	Pedro Antonio Rigalt	Mallendo, January 31, 1821	55 19													366 09
						83 50										303 75
Ben. F. Bourne, purser U. S. ship Constellation.	William W. Campbell.	Huacho, Callao, Mallendo, between July 8, 1821, and February 2, 1822	116 37									1			120 37	1,415 63
Payment in cash, being the proceeds of bills drawn by him, on the Secretary of the Navy.	Domingo Castro	Guayaquil, January 4, 1822											twine			90 60
	Horatio Jerauld	Valparaiso, in March and April, 1821	148 50						31			1	lbs. 75	feet plank	530 37	6,989 77
	Michael Hogan	Valparaiso, May 4, 1822	601 79			6 00			90		872		duck 30	979	258 00	8,472 61
	George Bier	Callao, February 1, 1822							jars 16			8	pieces	329		2,341 35
	Thomas A. Tippet	Chemcay, July 13, 1821													9 00	310 00
	Edwards & Stewart	Coquimbo, between May 9 and November 23, 1821	351 87			1 50	109 00		gal 75					329		3,398 87
	Est. Lynch	Lima, January 31, 1822	23 75				708 00									6,956 75
Michael Hogan, U. S. Navy agent.	Charles Hall & Co	Valparaiso, between September 16 and October 15, 1821	26 25													2,202 50
	Antonio Connison	Valparaiso, October 16, 1821														612 00
Payment in cash, being the proceeds of bills drawn by him, on the Secretary of the Navy.	Richard Dunn	Valparaiso, October 20, 1821														107 50
	A. Livingston	Valparaiso, between October 30, 1821, and March 29, 1823	171 29					$5,080 30	14		4	2				8,769 74
	Robert Nye	Valparaiso, October 31, 1821														1,058 78
	L. Cross	Valparaiso, October 31, 1821							71							71 00
	R. Swain	Valparaiso, October 31, 1821							tal. can.							100 00
	James S. Ygualt	Valparaiso, October 31, 1821							lbs. 520							2,904 68
	Edward Dean	Valparaiso, between October 31, 1821, and April 30, 1832														707 26
	Andrew Blist	Valparaiso, November 6, 1821														780 09

F.—*Statement of provisions, stores and supplies*—Continued.

By whom paid.	To whom paid.	When and where paid.	Raisins and vegetables.	Sugar—lbs. of.	Cocoa—lbs. of.	Hospital stores.	Slop clothing and purser's stores.	Repairs of vessels.	Oil and candles.	Leather and hides.	Paint.	Pitch and tar.	Hemp, twine and sail duck.	Lumber and other materials for repairs.	Fuel.	Amount.
Michael Hogan, U. S. Navy agent.	R. Jennings	Valparaiso, October 31, 1821									200		hemp. lbs. 1,051		49 75	$213 18
Payment in cash, being the proceeds of bills drawn by him on the Secretary of the Navy.	William Thompson	Valparaiso, between November 6, 1821, and May 2, 1822	$256 00													2,270 13
	Montgomery, Price & Co.	Valparaiso, between October 29, 1821, and February 15, 1823	raisins.				$3,177 75									8,902 75
	Frederick Hill	Valparaiso, between November 10, 1821, and June 20, 1823	1,011 74										500			29,112 89
	J. K. Poseditch	Valparaiso, November 6, 1821	16 50													1,903 62
	Jose de Olaeqai	Valparaiso, October 31, 1821							sperm.							362 25
	Frost, Jenks & Co.	Valparaiso, January 15, 1823							lbs. 1,711							4,029 87
	Thomas Brown & Co.	Valparaiso, January 8, 1823														6,679 94
	Thompson & Jackson	Valparaiso, March 22, 1823	681 50													3,079 12
	John C. Jack	Valparaiso, August 15, 1823														4,000 00
	Daniel W. Coit	Valparaiso, January 1, 1823							gallons.							1,595 75
	William Lee	Valparaiso, March 21, 1823							120						733 25	853 25
	Wm. Wheelwright	Valparaiso, June 30, 1823														400 00
	Charles Potts	Valparaiso, between March 19 and October 27, 1823	1,097 35					$33 00	100						835 52	7,170 42
	Antonio Delgado	Valparaiso, July 10, 1823														530 00
	Jose de Almado	Valparaiso, between August 23 and October 18, 1823														11,253 78
	John Barton	Quilca, November 20, 1822														4,666 22
	Matthew Jackson	Valparaiso, November 30, 1823	1,237 25													6,002 25
	Wm. D. Jones	Valparaiso, November 30, 1823					6,629 99									6,629 99
			$8,035 73	16,890	21,763	$632 28	$26,248 87	$5,113 30	gls. 1,132 j. oil 16 tal. 520 1,711 sper. can.	57	lbs. 1,244 kegs 2	27	lbs. 1,554 p's d'k 30 lbs. t. 25	feet 1,628 boards 64 lbs. j'k 2,363	$3,818 84	$218,414 53

TREASURY DEPARTMENT, *Fourth Auditor's Office, May* 6, 1824.

WILLIAM LEE, *Auditor pro tem.*

TREASURY DEPARTMENT, *Fourth Auditor's Office, May* 8, 1824.

SIR: In answer to your verbal inquiry of this morning, relative to the freight paid for the slop clothing of the United States ship Franklin, shipped on board the America, at New York, in October, 1821, I have the honor to state, that neither the accounts of the Navy agent at New York or Valparaiso show any payment to have been made by them for such transportation; it is therefore presumed, that it has been paid by the purser of the Franklin, whose accounts have not been received at this office.

I have the honor to be, very respectfully, sir, your obedient servant,

W. LEE, *Auditor pro tem.*

The Hon. SAMUEL L. SOUTHARD, *Secretary of the Navy.*

18TH CONGRESS.] **No. 260.** [1ST SESSION.

AMOUNTS OF SETTLEMENTS AND DELINQUENCIES OF PRIZE AGENTS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MAY 22, 1824.

To the House of Representatives of the United States:

I transmit to the House of Representatives a report of the Secretary of the Navy, in compliance with their resolution of the 14th of April last, respecting prize agents; which report contains the information requested.

JAMES MONROE.

WASHINGTON CITY, *May* 22, 1824.

NAVY DEPARTMENT, *April* 26, 1824.

SIR: I have the honor to enclose herewith, a copy of a letter from the Fourth Auditor of the Treasury, together with a statement, showing "what amount of money has been refunded to the government, by the several prize agents, since the 1st day of March, 1823, designating the amount paid by each agent, and when paid; what legal proceedings have been instituted against each delinquent agent; when instituted, and the present state of said proceedings," prepared in obedience to a resolution of the House of Representatives, of the 14th instant.

I have the honor to be, very respectfully, sir, your most obedient servant,

SAM. L. SOUTHARD.

The PRESIDENT *of the United States.*

TREASURY DEPARTMENT, *Fourth Auditor's Office, April* 23, 1824.

SIR: In pursuance of the resolution of the House of Representatives, under date of the 14th instant, calling on the President of the United States "to inform the House what amount of money had been refunded to the government by the several prize agents, since the 1st day of March, 1823, designating the amount paid by each agent, and when paid; what legal proceedings have been instituted against such delinquent agents; when instituted, and the present state of such proceedings, and whether the provisions of the joint resolution of Congress, approved 3d March, 1823, have been enforced in all cases;" I have the honor to enclose herewith, a statement exhibiting the balances due from prize agents, on the 1st of March, 1823; the amount refunded into the treasury; the amount accounted for by the agent on the exhibition of vouchers for payments made to the claimants, or of their power of attorney to the agent to receive and receipt for the same, with the date of the settlements, and the balances due from each prize agent up to this date. In relation to delinquent agents, no legal proceedings have been instituted against them, except in one case, that of Buller Cocke, in which judgment was obtained in May, 1823, but the amount thereof has not yet been paid into the treasury; and as respects "the joint resolution of Congress of the 3d March, 1823," I beg leave to state, that it has of late been enforced, as will be seen by reference to the statement.

I have the honor to be, very respectfully, your obedient servant, WM. LEE.

Hon. SAMUEL L. SOUTHARD, *Secretary of the Navy.*

Abstract of balances due from prize agents on March 1, 1823, showing the amount refunded, the amount accounted for, and the balances remaining due.

Names of the agents.	Residence, and whether in the employ of the United States or not.	When and for what object appropriations were made by Congress.	Balances due on March 1, 1823.	Amount refunded.	Amount since accounted for.	Balances remaining due.	When refunded and when accounted for.
Charles W. Goldsborough	Washington city, secretary to the Board of Navy Commissioners	March 3, 1813, for the capture of the British frigates Guerriere and Java	$3,270 40	.....	$460 66	$2,809 74	July 17, 1823.
George S. Wise, jr	New York, purser in navy	March 3, 1813, capture of the British sloop of war Frolic	2,157 48	.....	426 70	1,730 78	April 2, 1824.
Edward N. Cox, and J. L. Montaudevert	New York, purser in navy; New York, not in employ of United States	July 13, 1813, capture of the British brig Peacock	13,505 78	.....	.....	13,505 78	
Samuel Hambleton	Purser frigate Congress	April 18, 1814, purchase of vessels captured on Lake Erie	5,628 46	.....	1,306 95	4,375 51	April 1, 1824.
George Beale, jr	Purser frigate United States	March 3, 1815, purchase of vessels captured on Lake Champlain	23,727 02	.....	23,625 48	101 54	April 1, 1823.
White Youngs	Formerly captain in the army	March 3, 1815, purchase of vessels captured on Lake Champlain	240 84	.....	240 84	.....	May 30, 1823.
Charles Biddle	Philadelphia, not in employ of United States	February 28, 1816, capture of the British sloop of war Penguin	25,000 00	.....	25,000 00	.....	Dec. 12, 1823.
Buller Cocke	Norfolk, not in employ of United States	April 20, 1816, capture of the British armed vessels Reindeer and Avon	11,005 27	.....	.....	11,005 27	
John M'Cauley	Philadelphia, not in employ of United States	April 20, 1816, capture of the British sloop of war Levant	25,000 00	.....	24,933 37	66 63	April 22, 1824.
John M'Cauley	Philadelphia, not in employ of United States	February 4, 1819, rewarding representatives of Commodore Preble, and the officers and crew of the brig Syren	2,500 00	.....	.....	2,500 00	
Littleton W. Tazewell	Norfolk, Va., commissioner of the Florida claims	April 27, 1816, capture of Algerine vessels restored	24,310 65	$14,970 25	9,340 40	.....	Aug. 16, 1823.

OBSERVATIONS.

Charles W. Goldsborough has claims against the government of the United States which will meet this balance, now in a train of settlement.
George S. Wise, jr., claims the balance, but has been confined and too sick to attend to the settlement.
Edward N. Cox and J. L. Montaudevert claim that they are entitled to the balance. Cox's pay has been ordered to be stopped.
Samuel Hambleton has just returned from a cruise of more than two years in the Atlantic, and his pay is now ordered to be stopped.
George Beale, jr., gone to the Pacific. Balance will be stopped out of his pay.
Buller Cocke—in suit. Judgment in May term, 1823.
John M'Cauley—balance will be immediately paid. (It is now paid.)
John M'Cauley—the agent of John M'Cauley is now at the seat of government for the purpose of liquidating this amount, ($2,500.)

TREASURY DEPARTMENT, *Fourth Auditor's Office, April 23*, 1824.

WILLIAM LEE.

18TH CONGRESS.] No. 261. [2D SESSION.

APPLICATION OF A MEETING OF MERCHANTS AND CITIZENS OF NEW YORK, THAT PROTECTION BE GIVEN TO THE TRADE WITH CUBA AGAINST THE PIRATES.

COMMUNICATED TO THE SENATE DECEMBER 13, 1824.

To the Senate and House of Representatives of the United States in Congress assembled:

The citizens of New York solicit the attention of your honorable body to a subject of the deepest interest, affecting equally the commerce and revenue of the nation, the lives of our citizens, and the prosperity of a most respectable class of merchants.

The trade to the Island of Cuba has for many years been increasing, and has now become one of the most valuable branches of our foreign commerce. In its importance to the Union, it is not inferior to our trade with France and all her colonies. It is a most advantageous market for our produce and manufactures; furnishes us with many useful articles of consumption; employs a vast amount of American tonnage; is a nursery for our seamen, and yields a large revenue to our treasury. This trade was prosecuted until within a few years past, with but little interruption; but, in consequence of wars in the different Spanish provinces, which have had the effect greatly to weaken the sense of moral obligation, and from a partial suppression of the Spanish slave trade, many ferocious spirits have been put out of employment, and a class of men have arisen, and located themselves in different parts of that island, who seem, by their robberies and their cruelties, to emulate the bucaneers of former times.

The piracies of these men were confined, for a time, principally to plundering our vessels, and maltreating our seamen. By the exertions of the naval force, under Commodore Porter, their atrocities were rendered less frequent, and a hope was entertained that they would be entirely discontinued; but this hope has proved delusive. The necessary withdrawal of our ships of war during the sickly season, the supineness or connivance of the local authorities of Cuba, and the imbecility of the Spanish government, have conspired to renew the piratical system with increased activity and horror; whole crews have been recently murdered, their vessels burnt, and their cargoes plundered, and, in some instances, openly sold at the Matanzas or the Havana.

Without some protection in this trade, more efficient than any which has yet been afforded, and better adapted to repel the attacks of these abandoned men, we are apprehensive that this great branch of our foreign commerce, and the revenues arising from it, will be materially diminished. It is a lawful commerce, and our citizens have a right to claim the protection of government in its pursuit.

The system adopted by these bands of pirates, is to go out from their places of concealment in small open boats, attack unarmed vessels, and, by indiscriminate slaughter, to remove all chance of detection. A commerce liable to such risks cannot be prosecuted; merchants will be unwilling to expose their property, and seamen will not be willing to jeopardize their lives.

We have thus briefly stated the evils which threaten not only our direct trade to Cuba, but also our commerce to every part of the Gulf of Mexico. It is not too much to say, that they are too great to be endured; and, confiding in the wisdom and justice of your honorable body, we pray that suitable and effectual measures may be speedily devised to remove them.

We would respectfully submit to the consideration of Congress, whether it would not be expedient that a law should be passed, authorizing merchant vessels to arm, for their own protection, under such regulations, and with such rules for their government, as may appear necessary, and which may avoid the danger of committing the peace of the nation to the discretion of individuals.

And that the squadron on the Cuba station should be reinforced; that decoy vessels should be employed, and that the ships of war be furnished with additional launches and boats, calculated to pursue the pirates into their retreats and fastnesses.

We would further respectfully suggest, that the President of the United States be requested to make suitable remonstrances to the government of Spain, and to the authorities of Cuba, relative to the piracies committed on American vessels, and the murder of their crews, by persons issuing from the shores of that island; and to state, most implicitly, that if the evils are not removed, they will be held liable for the consequences.

Should such remonstrances be made, and should they be ineffectual, the citizens of New York pledge themselves to support their government in any ulterior measures which may be necessary, even if they extend to the blockade of every part of that island.

And your memorialists, as in duty bound, will ever pray, &c.

A true copy of a memorial, unanimously adopted at a meeting of merchants and citizens of the city of New York, held at the Tontine Coffee House, on the 2d day of December, 1824.

WM. BAYARD, *Chairman.*

Attest:

STEPHEN ALLEN, *Secretary.*

18TH CONGRESS.] No. 262. [2D SESSION.

NOMINATION OF PASSED MIDSHIPMEN TO BE LIEUTENANTS IN THE NAVY, AND REASONS FOR SUCH NOMINATION.

COMMUNICATED TO THE SENATE DECEMBER 16, 1824.

IN EXECUTIVE SESSION:
SENATE OF THE UNITED STATES, *Thursday, December* 16, 1824.

The following written message was received from the President of the United States, by Mr. Everett, his secretary:

To the Senate of the United States:

I nominate the following named persons, now passed midshipmen, to be promoted to the rank of lieutenant in the navy of the United States, in the order in which they stand:

D. H. Mackey, G. W. Carpender, J. L. Saunders, J. B. Hull, jr., Jott S. Payne, John E. Prentiss, Joseph Moorhead, Samuel B. Phelps, William T. Rodgers, Thomas Pettigru, Augustus Cutts, John S. Chauncey, Irvine Shubrick, Charles Ellery, Thomas R. Gerry, John Kelly, Hugh Dulany, Edmund Byrne, Edward S. Johnson, William H. Gardner, Frederick Garrett, David G. Farragut, R. S. Pinkney, Stephen B. Wilson, Edward C. Rutledge, William S. Harris, Thomas Dornin, Benjamin S. Grimke, John P. Tuttle, Robert B. Cunningham, James Glynn, Joseph Myers, William C. Wetmore, William B. Nicholson, Thomas R. Gedney, John Bubier, Victor M. Randolph, Joseph Cutts, jr., Jacob Crowninshield, Frederick Engle, Thomas S. Brown, Alexander J. D. Brown, Jesse Smith, John H. Smith, Merrit S. Scott, Francis Sanderson, John Rudd, Robert Ritchie, David R. Stewart, William W. McKean, Benjamin Tallmadge, jr., Franklin Buchanan, H. H. Hobbs, Samuel Mercer, Charles Lowndes, Duncan N. Ingraham, John Marston, jr., Henry Bruce, William D. Newman, A. B. Pinckham, William H. Homer, James D. Knight, Joseph Mattison, William S. Walker, Alexander Slidell, James S. Boughan, George F. Pearson.

JAMES MONROE.

The message was read.

Ordered, That it be referred to the Committee on Naval Affairs, to consider and report thereon; and that the document accompanying it be printed under an injunction of secrecy.

Document accompanying the message of the President of the United States, nominating midshipmen.

NAVY DEPARTMENT, *December* 6, 1824.

SIR: I have the honor respectfully to present to you the list of passed midshipmen, and to express an opinion that they ought, and wish that they may be nominated to the Senate for promotion to the rank of lieutenant.

To encourage emulation, to sustain moral character, and insure improvement in professional skill, the Department, for several successive years, appointed a board of competent officers, to examine midshipmen of a particular age in the service. All of the age specified were required to offer themselves for this examination, and if they failed to do so, without a satisfactory excuse, they were to be considered out of the service. The understanding of these young officers, of their friends and the public was, that they should, at an early day after their examination, be promoted, if their character and conduct were found to be correct, and they exhibited a proper degree of professional skill. Some of them did pass the examination in the first years, and were promoted. Others were examined in 1820, '21, '22, who have not yet received commissions. Most of them are skillful and highly meritorious, and it seems due to them that their promotion be no longer delayed. Since their examination, also, many officers of the higher grades have died and resigned, amounting in number, probably to more than those now proposed for promotion; and it has often happened within the last two years, that the services of most of these midshipmen have been necessary in the character of lieutenants, and they have temporarily acted as such. Their services in that capacity will, no doubt, be equally necessary hereafter.

The appointment to discharge duties above their rank has created, and will continue to create, inconveniencies, which it would be pleasant both to them and to the Department to avoid.

The following principles have been regarded in fixing the order in which they are proposed to be nominated and to bear rank:

1st. Where the board of examination fixed the order of their respective merits, this order is followed; this was done in 1819, '20 and '21.

2d. Where the board did not do this, as in 1823, they are to stand according to the date of their warrants, there being no other rule by which the rank can be determined.

3d. No officer is to suffer in his rank by the act of the Department, where he himself is not in fault. For example, where the date of an officer's warrant would have justified his being examined at any particular examination, but he was absent from the United States, by order of the Department, at the time of that examination, and presented himself before the board, at the first opportunity after his return, and passed respectably, he is placed with those who passed in the year when he might have been examined, had he been present. All whose warrants were older than 1st January, 1814, were entitled to examination in 1820; if any were absent then, but passed respectably in 1821, they ought to be placed with those in the list of 1820.

Regarding these rules, those on the list of 1820 are proposed to be nominated in the order in which they stand, and in which they were placed by the board.

In the list of 1821, Samuel B. Phelps, W. T. Rodgers, Thomas Pettigru, Augustus Cutts, and J. S

Chauncey, are found, who were old enough to be examined in 1820, but were absent under the orders of the Department, and passed respectably at the first examination after their return; they are, therefore, placed next after the list of 1820; then follows the rest of 1821, in the order in which they stand, and were arranged by the board. Then follow those of 1823, in the order of their dates of warrant; the board having neglected to arrange them in the order of merit, and it having been found impossible to obtain from the officers composing it a safe and satisfactory statement of their relative merits.

There are others in 1821, who were entitled to examination in 1820; but they either did not apply, or, applying, did not pass; they are left, therefore, in 1821, in the order in which the board placed them.

Those examined in 1822 were all of an age to pass in 1821, the date of warrant justifying an examination being the same in both, April 1st, 1815; but they either applied and were rejected, or were absent from the country. Of the latter class were Robert Ritchie, David R. Stewart, Wm. W. McKean, Benjamin Tallmadge, jr., H. H. Hobbs, Samuel Mercer, Franklin Buchanan, and Charles Lowndes.

Some of these last claim to take rank with those who passed in 1821, according to the date of their warrants. But it is impossible so to arrange the list without destroying the principle of promotion by merit. If *they* are so placed, *all* must be placed according to date of warrant, which would be destructive of the whole object of the examinations; or, if all are not arranged by date of warrant, then these would be before others who are older in date of warrant than themselves. The operation of this course will be better understood by taking a single case.

Midshipman McKean passed in 1822, being out of the country in 1821. He claims to be placed as high as any on the list of 1821, whose warrant is of the same date. His warrant is dated 30th Nov., 1814. The warant of Hugh Dulany is of the same date. If, therefore, you place midshipman McKean next to midshipman Dulany, he will be placed before a large number on the list of 1821, older than himself; an injustice for which no plausible reason could be assigned. To avoid this, and other evils, it is believed to be most just to all, to place those who were out of the country in 1821, immediately after those who passed at that time, and before those who were rejected, taking it for granted that they would have passed had they been here in 1821; which is a liberal and fair presumption in their favor. By this arrangement, none of those who passed in 1822 can have, before them, more than four or five whose warrants are not older; and these four or five might or might not have been preferred to them, had all been present at the examination of 1821; it is, therefore, an arrangement nearer to truth and justice, than any other which can be devised.

I have the honor to be, very respectfully, your obedient servant,

SAM. L. SOUTHARD.

To the PRESIDENT *of the United States.*

List of passed midshipmen, with the years in which they passed, the order in which they are proposed to be promoted, and the reasons for the orders given.

1820.

1. D. H. Mackey	As arranged by the board.
2. G. W. Carpenter	
3. J. L. Saunders	
4. J. B. Hull, jr.	
5. John S. Paine	
6. John E. Prentiss	
7. Joseph Moorhead	

1821.

8. Samuel B. Phelps	In the list of 1821, but being absent at the time of examination, in 1820, by order of the Department, and having past in 1821, they are considered entitled to be placed in this order.
9. Wm. T. Rodgers	
10. Thomas Pettigru	
11. Augustus Cutts	
12. John S. Chauncey	
13. Irvine Shubrick	Arranged by the board.
14. Charles Ellery	
15. Thomas R. Gerry	
16. John Kelly	
17. Hugh Dulany	
18. Edmund Byrne	
19. Edward S. Johnson	
20. Wm. H. Gardner	
21. Frederick Jarrett	
22. David C. Farrigut	Warrant dated 17 December, 1810, but rejected in examination of 1820.
23. R. S. Pinkney	
24. Stephen B. Wilson	Rejected in 1820, warrant dated 1 January, 1812.
25. Edward C. Rutledge	
26. Wm. S. Harris	Arranged by the board.
27. Thomas Dornin	
28. Benj. S. Grimke	
29. John P. Tuttle	
30. Robert B. Cunningham	
31. James Glynn	Arranged by the board.
32. Joseph Myers	
33. Wm. C. Wetmore	Warrant dated 18 June, 1812. Rejected 1819–20.
34. Wm. B. Nicholson	
35. Thomas R. Gedney	

36. John Bubier	Arranged by the board.	Warrant dated 9 Nov., 1813; rejected 1830.
37. Victor M. Randolph		
38. Jos. Cutts, jr.		
39. Jacob Crowninshield		
40. Frederick Engle		
41. Thomas S. Brown		Warrant dated 17 Dec., 1810; rejected 1819–20.
42. Alex. J. D. Brown		Warrant dated 17 Dec., 1810; rejected 1819–20.
43. Jesse Smith		
44. John H. Smith		
45. Merrit S. Scott		
46. Francis Sanderson		
47. John Rudd		

1822

48. Robert Ritchie	Warrant dated 1 Feb., 1814; out of country in 1821.
49. David R. Stewart	Warrant dated 1 Feb., 1814; out of country in 1821.
50. Wm. W. McKean	Warrant dated 30 Nov., 1814; out of country in 1821.
51. Benj. Tallmadge, jr.	Warrant dated 24 Jan., 1815; out of country in 1821.
52. Franklin Buchanan	Warrant dated 28 Jan., 1815; out of country in 1821.
53. H. H. Hobbs	Warrant dated 4 March, 1815; out of country in 1821.
54. Samuel Mercer	Warrant dated 4 March, 1815; out of country in 1821.
55. Charles Lowndes	Warrant dated 18 March, 1815; out of country in 1821.
56. D. N. Ingraham	Warrant dated 18 June, 1812; rejected 1820 and 1821.
57. John Marston, jr.	Warrant dated 15 April, 1813; rejected 1820 and 1821.
58. Henry Bruce	Warrant dated 9 Nov., 1813; rejected 1820 and 1821.
59. Wm. D. Newman	Warrant dated 1 Feb., 1814; rejected 1821.
60. A. B. Pinkham	Warrant dated 17 June, 1814.
61. Wm. H. Homer	Warrant dated 20 Nov., 1814; rejected 1821.
62. James D. Knight	Warrant dated 20 Nov., 1814; rejected 1821.
63. Joseph Mattison	Warrant dated 20 Nov., 1814; rejected 1821.
64. Wm. S. Walker	Warrant dated 20 Nov., 1814; rejected 1821.
65. Alexander Slidell	Warrant dated 1 Jan., 1815.
66. James S. Boughan	Warrant dated 11 Jan., 1815; rejected 1821.
67. George F. Pearson	Warrent dated 11 March, 1815.

THURSDAY, *January* 13, 1825.

The Senate proceeded to consider the message of the 16th December, nominating lieutenants in the navy.

On the question, "Will the Senate advise and consent to the appointments of D. H. Mackey, G. W. Carpender, J. L. Saunders, J. B. Hull, jr., Jott S. Payne, John E. Prentiss, Joseph Moorhead, Samuel B. Phelps, William T. Rodgers, Thomas Pettigru, Augustus Cutts, John S. Chauncey, Irvine Shubrick, Charles Ellery, Thomas R. Gerry, John Kelly, Hugh Dulany, Edmund Byrne, Edward S. Johnson, William H. Gardner, Frederick Jarrett, David G. Farragut, R. S. Pinkney, Stephen B. Wilson, Edward C. Rutledge, William S. Harris, Thomas Dornin, Benjamin S. Grimke, John B. Tuttle and Robert B. Cunningham?"

It was determined in the affirmative.

On the question, "Will the Senate advise and consent to the appointments of James Glynn, Joseph Myers, William C. Wetmore, William B. Nicholson, Thomas R. Gedney, John Bubier, Victor M. Randolph, Joseph Cutts, junior, Jacob Crowninshield, Frederick Engle, Thomas S. Brown, Alexander J. D. Brown, Jesse Smith, John H. Smith, Merritt S. Scott, Francis Sanderson, John Rudd, Robert Ritchie, David R. Stewart, William W. McKean, Benjamin Tallmadge, junior, Franklin Buchanan, H. H. Hobbs, Samuel Mercer, Charles Lowndes, Duncan N. Ingraham, John Marston, junior, Henry Bruce, William D. Newman, A. B. Pinkham, William H. Homer, James D. Knight, Joseph Mattison, William S. Walker, Alexander Slidell, James S. Boughan, and George F. Pearson?" It was determined in the affirmative; yeas, 35, nays 10.

On motion by Mr. Lowrie, the yeas and nays being desired by one-fifth of the senators present, those who voted in the affirmative are—Messrs. Barbour, Barton, Bell, Benton, Brown, Clayton, D'Wolf, Eaton, Edwards, Elliot, Caillard, Hayne, Holmes, of Maine, Holmes, of Mississippi, Jackson, Johnson, of Kentucky, Johnston, of Louisiana, Kelly, King, of New York, Knight, Lanman, Lloyd, of Maryland, Lloyd, of Massachusetts, McIlvaine, Mills, Noble, Palmer, Parrott, Seymour, Smith, Talbot, Taylor, Tazewell, Van Buren, and Van Dyke.

Those who voted in the negative are—Messrs. Branch, Chandler, Cobb, Dickerson, Findlay, Lowrie, McLean, Macon, Ruggles, and Thomas. So it was

Resolved, That the Senate do advise and consent to the appointments of lieutenants in the navy, contained in the message of the 16th instant.

18TH CONGRESS.] No. 263. [2D SESSION.

AFFIDAVIT OF GEORGE BROWN, OF MURDERS AND ATROCITIES BY THE PIRATES NEAR THE ISLAND OF CUBA.

COMMUNICATED TO THE SENATE DECEMBER 30, 1824.

UNITED STATES COMMERCIAL AGENCY.

Be it known that, on the day of the date hereof, before me, John Mountain, vice commercial agent of the United States of America, at the city of Havana, personally came and appeared George Brown, of New York, seaman, aged 21 years and upwards, who, being duly sworn by me, according to law, upon his solemn oath did depose, declare, and say, that he was acting and employed in the capacity of seaman, on board of the brig Laura Ann, of New York, ——— Shaw, master, last from Buenos Ayres, with a cargo of jerked beef, bound to the port of Havana; that, on the night of the 20th day of October last past, they made the Island of Cuba, and on the next morning, being the 21st day of October, when about twelve miles to leeward of Matanzas, they were boarded by an open boat, with twelve men, armed with muskets, cutlasses, pistols, and knives, who ordered the captain into the cabin, fired two pistols, and drove the mate and seamen into the forecastle, and, in a few minutes, ordered three of the men out of the forecastle, and compelled them to take in the studding sails and brace up the yards, and running the vessel close in shore, near to Port de Canase, came to anchor, and, for an hour, the vessel beat heavy on the rocks; at this time, a schooner boat, armed with 1 gun, and 28 to 30 men, also armed, came alongside, appearing to be a party with the boat's crew, came on board and joined them, immediately ordered the second mate on board the schooner, and to make two masts for the boat; he, accordingly, obeyed their orders, and went on board. The pirates now numbered about 40 men; they called the captain upon deck and asked him where his money was; the captain replied that he was a poor man, and had not any money; they tied him (the captain) to the windlass, and beat him very severely, then untied him, and driving him into the forecastle, called the mate upon the deck, tied him to the windlass, and beat him in a like manner; then driving him below, ordered all the sailors to come upon deck; after the sailors came up, they were ordered aloft to furl the sails, which being done, they were again ordered into the forecastle; after all hands being below about an hour, three seamen were ordered upon deck; this deponent being one of the three, he went up into the foretop to unreef the maintopsail braces; it being in the dusk of the evening; as this deponent came down, he saw that the pirates were running the captain up to the larboard fore yardarm, being hung by the neck; as soon after as possible, this deponent ran into the forecastle, and immediately the mate was called upon deck, and this deponent heard him only say "Oh God!" They then called the cook upon deck, afterwards the sailors, one at a time; this deponent stowing himself away in the coal hole, where he remained hid, notwithstanding they searched for him with lanterns, without finding him, until he was compelled to leave his hiding place by the fire; when, on his going upon deck, and finding the vessel on fire, and burning as far forward as the fore-hatch, he dropped himself overboard, under the vessel's bows, and swam ashore, distant about sixty yards, accompanied by two sharks, one swimming on each side of him. After reaching the shore, and walking about three miles, he, being much fatigued, lay in the wood for the night, and on the following morning saw the same piratical boat board and take possession of a brig under American colors, this deponent remaining in the wood until the next morning, when he commenced his walk, making for Matanzas, keeping near the sea shore; coming to a small river, where there were many stores and small schooners, he swam across the river, and in the continuation of his walk, fell in with a small town, or place, and twenty persons, who, after questioning this deponent, who he was, and where he was going, some of them threatening to take his life, suffered him to proceed, and, on Saturday night, the 24th, reached a farm house, where he remained until Monday morning, when the farmer, having to send produce of his farm to Matanzas, on horses, and this deponent's feet being much cut, allowed him to ride on one of the horses, and at about 10 o'clock of the same day he reached Matanzas.

his
GEORGE × BROWN.
mark.

Signed and sworn to before me, the said vice commercial agent. In faith whereof, I have hereunto subscribed my name, and affixed the seal of my office, at Havana aforesaid, this sixteenth day of November, 1824, and of the Independence of the United States of America the forty-ninth.

JOHN MOUNTAIN.

18TH CONGRESS.] No. 264. [2D SESSION.

REASONS OF THE PRESIDENT FOR DECLINING TO FURNISH THE HOUSE OF REPRESENTATIVES WITH DOCUMENTS RELATING TO THE CONDUCT OF OFFICERS OF THE NAVY ON THE PACIFIC OCEAN.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES 10TH OF JANUARY, 1825.

To the House of Representatives:

I should hasten to communicate to you the documents called for by the resolution of the House of Representatives, of the 4th instant, relating to the conduct of the officers of the navy of the United States, on the Pacific ocean, and of other public agents in South America, if such a communication might

now be made consistently with the public interest, or with justice to the parties concerned. In consequence of several charges which have been alleged against Commodore Stewart, touching his conduct while commanding the squadron of the United States on that sea, it has been deemed proper to suspend him from duty, and to subject him to trial on those charges. It appearing, also, that some of those charges have been communicated to this Department, by Mr. Prevost, political agent, at this time, of the United States, at Peru, and heretofore at Buenos Ayres and Chili, and apparently with his sanction; and that charges have likewise been made against him, by citizens of the United States engaged in commerce in that quarter; it has been thought equally just and proper that he should attend here, as well to furnish the evidence in his possession, applicable to the charges exhibited against Commodore Stewart, as to answer such as have been exhibited against himself. In this stage, the publication of those documents might tend to excite prejudices, which might operate to the injury of both. It is important that the public servants, in every station, should perform their duty with fidelity, according to the injunctions of the law, and the orders of the Executive in fulfillment thereof. It is peculiarly so that this should be done by the commanders of our squadrons, especially, on distant seas, and by political agents who represent the United States with foreign powers, and for reasons that are obvious, in both instances. It is due to their rights and to the character of the government that they be not censured without just cause, which cannot be ascertained, until, on a view of the charges, they are heard in their defence, and after a thorough and impartial investigation of their conduct. Under these circumstances, it is thought that a communication, at this time, of those documents, would not comport with the public interest, nor with what is due to the parties concerned.

JAMES MUNROE.

WASHINGTON, *January* 10, 1825.

18TH CONGRESS.] No. 265. [2D SESSION.

ON THE USE OF AMERICAN CANVAS, CABLES AND CORDAGE IN THE NAVY.

COMMUNICATED TO THE SENATE JANUARY 10, 1825.

To the Senate of the United States:

In compliance with the resolution of the Senate, of the 17th May last, I transmit a report from the Secretary of the Navy, which contains the information requested.

JAMES MUNROE.

WASHINGTON, *January* 5, 1825.

NAVY DEPARTMENT, *January* 5, 1825.

SIR: In answer to the resolution of the Senate of the United States of the 17th May last, "that the President of the United States be requested to cause a report from the Secretary of the Navy to be laid before the Senate at the commencement of the next session of Congress, showing the reason, if any, why canvas, cables, and cordage, made of hemp, the growth of the United States, may not be used in the equipment of national vessels, with equal advantage as if of foreign fabric or materials," I have the honor to present to you the following report:

The resolution was communicated to the Board of Navy Commissioners, who have furnished the answer marked A.

A variety of questions were proposed to growers and manufacturers of hemp, and answers received, from which the extracts marked No. 1 to 5 are taken.

From these and other sources of information, the following conclusions are drawn:

1st. That hemp may be cultivated in the United States to any extent which our necessities may require.

2d. That, in the present mode of cultivation, there are some errors, which may readily be corrected when more attention is paid to it.

3d. That, in its natural state, it is, in all important qualities, equal to that which we are in the habit of importing.

4th. That it is injured in the mode of rotting and preparing it for manufacture.

5th. That, if sown thicker on the ground, water-rotted, and prepared with care, it will be, for all purposes, equal to any other.

6th. That canvas, cables, and cordage, manufactured out of it, as now cultivated, are inferior in color, strength and durability, to those manufactured from imported hemp, and consequently are not as *safe* or proper for use in the navy. And this is the reason, and the only reason, "why canvas, cables, and cordage, made of hemp, the growth of the United States, may not be used in the equipment of national vessels, with equal advantage as if of foreign fabric or materials."

I have the honor to be, with sentiments of high respect, sir, your most obedient servant,

SAMUEL L. SOUTHARD.

To the PRESIDENT *of the United States.*

A.

NAVY COMMISSIONERS' OFFICE, *November* 17, 1824.

SIR: The Commissioners of the Navy have received a copy of the resolution of the honorable the Senate of the United States, of 17th May last, calling for a report, "at the commencement of the next session of Congress, showing the reason, if any, why canvas, cables, and cordage, made of hemp, the growth of the United States, may not be used in the equipment of national vessels with equal advantage as if of foreign fabric or materials."

Early after the passage of this resolution, the Commissioners opened an extensive correspondence with persons engaged in the manufacture of canvas and cordage, and they have consulted all the authorities within their reach, with the view to gain such information upon the interesting question embraced by the resolution as would assist in forming satisfactory conclusions; and they now respectfully submit the following report:

The Commissioners beg leave to premise that the canvas manufactured in the United States is made generally of *flax*. They believe that hemp has not been used for that purpose in any of the large factories; though it has been suggested that, if hemp were sowed unusually thick, and pulled at a period to produce a fibre or hurl, on a medium between the ordinary hemp and flax, that is, stouter and stronger than the latter, yet not so coarse and rough as the former, it might be found to be an advantageous substitue in the manufacture of canvas.

With regard to flax for the manufacture of canvas, there can be no doubt that the American plant, if water-rotted and properly dressed, will make a cloth which may be used in the equipment of our national vessels with equal advantage as if of foreign fabric or materials. We have purchased a considerable quantity of canvas made in the United States, of flax grown at Fairfield, Connecticut, where they "are in the habit of water-rotting it," and its quality is not only considered sufficiently good for the service, but equal to that of the best imported canvas. We have also purchased canvas made from foreign and dew-rotted American flax, mixed, and it has passed inspection, though not equal to that made from the Fairfield flax.

The manufacturers of canvas object to dew-rotted flax on various grounds. They prefer Dutch at 15 or Irish at 14 cents per pound to this kind of flax at 9 cents per pound; because, while one hundred pounds of Dutch will yield 72 pounds, and one hundred pounds of Irish will yield 65 pounds, the like quantity of American dew-rotted will yield only 40 pounds of clean flax. No reason can be discerned why the American flax should yield so much less than the Dutch, unless it is to be found in the defective process of rotting, dressing, and preparing it for market. The American plant, in its natural state, contains, it is believed, as great a portion of fibre or lint as either of the others. A respectable manufacturer has stated that he has long used the Fairfield flax, and that he considers it "more flexible, less woody, and stronger than that grown at the south, and preferable to Russia flax."

Other, and apparently well founded, objections are urged by the manufacturers of canvas against common American flax. They say that in bleaching, the Irish flax has an advantage over every other description; that the coloring matter is extracted from it with less trouble and expense than the Dutch; that the American flax requires at least two-thirds more expense and twice the trouble of any other flax. The reason assigned for this by the American manufacturers is, that the American flax is not pulled until the seed are ripe; whereas in Ireland it is pulled green; but, in opposition to this conclusion, it is said that "in the Netherlands, where flax is supposed to be the best prepared, generally speaking, of any in Europe, and in France, flax is always allowed to arrive at maturity, and is never pulled, particularly in Holland and Zealand, until the seed are perfectly formed and the capsule brown and hard, so as to be easily disengaged from the stalk;" and if, as is alleged, Irish flax is found to be more easily bleached than the Dutch, this advantage appears to be more than counterbalanced by the fact that 100 pounds of the latter will yield 7 pounds more of clean flax than an equal quantity of the former.

The practice of pulling the plant in a green state is defended on the grounds that the younger the plant the finer the tissue; yet it is stated as an unquestionable fact, that the flax intended for the *finest purposes* is not pulled in the Netherlands until the seed are ripe. An intelligent French gentleman, in a letter to Mr. Besnard, (an extract of which will be found among the papers accompanying this report,) assigns reasons which appear conclusive in favor of the practice which prevails in Holland, both as to the period when flax is pulled, and their peculiar method of steeping it.

The "high price of American flax, its unequal quality, and the uncertainty of supply," are urged as among the reasons which have induced some of the manufacturers of canvas, after repeated trials, to recommence the importations of Irish flax; while others observe that they have imported none since the fall of 1821, being able to obtain a sufficient supply of American flax.

It appears to be the universal opinion of experienced men that the process of dew-rotting flax diminishes its value and its weight, injures its color, and impairs its quality and strength. The experiments stated in the paper C, annexed, tend to confirm this opinion.

With regard to "cables and cordage, made of hemp the growth of the United States," many of the observations previously made with respect to flax are, in a great degree, applicable to hemp. In its natural state, American is believed to be equal to the best Russia; but the almost universal custom of dew-rotting it is so deleterious in its effects upon the fibre as to present insuperable objections to its use in the navy. This process not only weakens the fibre, but prevents the tar from incorporating with the yarns, thus rendering it seriously objectionable, particularly for cables. The manufacturers of cordage further object to it, because "its staple is rough and occupies more time in the manufacture," and "generally comes to market in a slovenly manner, with various qualities mixed together, and badly cleaned." They say that cordage made of Russia hemp is preferred by the consumer, at an advance of fifty to one hundred per cent.; that dew-rotted cordage, "by exposure to the atmosphere, becomes rotten, and after being used a short time, cannot be depended on." A gentleman of experience says: "Before the late war we used some cordage made from Kentucky yarns—many persons did it for the purpose of encouraging American productions; some of them had strong prejudices in its favor; but, after a fair trial, those persons confessed to me that they must give up the use of it; that it would not wear well, and they could not depend on it." The same gentleman further observes: "I would not use cordage made of Kentucky yarn or hemp, even if I could procure it at half the price of cordage made from Russia."

Manufacturers and consumers of cordage appear universally to concur in these opinions. Equally

decided is their opinion as to the quality of the American plant in its natural state. They all say that American hemp, pulled in the right season, water-rotted, and properly handled, would make as good cordage as the best Russia. Indeed, it has been forcibly contended that it would be preferable, because Russia hemp is injured from being heated on ship board—an injury to which American hemp, used in the United States, would not be liable.

While these opinions appear well founded, there is another consideration which addresses itself immediately and forcibly to the growers of hemp in the United States. The difference between the *product* of given portions of plant, water-rotted and dew-rotted, is confidently believed to be greatly in favor of the former mode.

Experiments have been made by boiling and steaming, to avoid either process of rotting; but the result proved unsatisfactory.

Pushing their experiments with a perseverance which deserves and must ultimately secure success, our countrymen have lately introduced a machine called "the flax and hemp dresser," with a view to avoid altogether the process of rotting. The power of this machine, to disengage effectually the woody part of the plant from the lint, is spoken of confidently by those who have seen it in operation; but whether the hemp thus prepared will be as serviceable as the water-rotted, whether it will not be more liable, in bulk, to injury from the gum and mucilage which are wholly left in it, or whether other objections may not exist, are points upon which the Commissioners are uninformed. They have, however, engaged a small supply of yarns from hemp thus prepared, and intend making experiments to test their strength and durability.

About twelve months since, a gentleman produced a sample of cordage, made, it is believed, of American dew-rotted hemp, with the yarns dipped in pyroligneous acid, and tarred about one-eighth as much as yarns usually are, prior to being laid; calculating that the antiseptic properties of this acid would obviate the injuries sustained in the process of dew-rotting, and impart to the cordage a durability equal to that made of water-rotted hemp. With a view to an experiment, the Commissioners have engaged enough of these yarns to make a nine-inch cable. Although the gentleman speaks very confidently as to the durability of cordage made from these yarns, yet we are unable to discern how the pyroligneous acid can remedy the defects occasioned by dew-rotting, and impart to the cordage the property of retaining a sufficient portion of tar for its preservation, particularly when used as cables.

The proceedings of Congress, during their last session, and the opinions then expressed, that American hemp, in its natural state, is equal to Russia, and that the preference given to the latter has arisen essentially from the manner in which it is rotted, have induced some of our most respectable farmers to engage in the cultivation and preparation of hemp, upon the Russian system. The commissioners have contracted for three tons of American hemp of this description, and directed it to be made into cordage of various kinds, in order to test its comparative strength and durability with the best Russia, on board the ship North Carolina. The result of this experiment, if the American hemp shall have been carefully gathered, at the right season, and properly prepared, will enable the Commissioners to express a satisfactory opinion upon the subject; and they cannot entertain a doubt that, in such case, it will be in their power to say that the American water-rotted hemp is in all respects fully equal to the best Russia.

With regard to "the places where, and the extent to which, hemp may be cultivated," in the United States, it may be unreservedly said that the climate throughout the whole country is nowhere unfriendly, and that hemp may be cultivated advantageously wherever the soil is adapted to it. It is grown in great perfection in the eastern, western and southern States, as far south as, and including, Virginia. We have not heard of any growth south of Virginia, though, as it is known to succeed well in warm latitudes, there is no doubt it can be cultivated in our most southern States.

The papers herewith (A, B, C and D) will, it is hoped, afford satisfactory information upon the "manner of raising hemp and preparing it for market," and upon the other points to which you have been pleased to call the attention of the board.

Having given to this important subject that attention to which its intrinsic merits entitle it, and which a strong solicitude to contribute to the improvement of every source of national independence could not fail to excite, the Commissioners, with great deference, submit the result.

I have the honor to be, with great respect, sir, your most obedient servant,

JOHN RODGERS.

Hon. S. L. SOUTHARD, *Secretary of the Navy.*

A.

On the culture and preparing the hemp in Russia, transmitted by the Hon. J. Q. Adams, minister at St. Petersburg, March, 1810.

In Russia, when the season is mild, the hemp seed is sown about the 1st June, old style. The richer the soil of the land employed for it, the better. A chetwirt of seed, (100 chetwirts are equal to 73 quarters, Winchester measure,) is sown on a piece of land of 80 fathoms (English feet) long, and 60 fathoms broad.

The land is first ploughed and harrowed, and about 200 single horse loads of dung being spread upon it, it is left for six days, when it is again ploughed, and the seed sown and harrowed the same day. In about four months the seed becomes ripe, and the hemp is then pulled up with the roots; if it be allowed to remain too long in the ground, it is apt to become harsh. It is bound into heads or bunches of four handfuls each; these are hung upon sticks placed horizontally, thus: X–0–0–0–0–0–0–X, and allowed to remain so for two days. It is then made into *cut* or *thrashed* hemp, as may be agreeable. The cut hemp is made by chopping off the heads containing the seed. These are put into the kiln, and, after remaining there for eighteen hours, the seed is beaten out.

If thrashed hemp is to be made, the heads or tops must not be cut off, but the bunches of hemp placed entire in the kiln; and, if the weather be warm, it will be sufficiently dry in three days, when the seed must be thrashed out of the heads. In either case, three days after the seed is separated from it, the hemp must be put to steep or rot, either in a stream or a pond, and, that the hemp may be entirely

immersed, it is put under wooden frames [═══], upon which stones are placed, or, where they are not to be had, earth is substituted, after the frames are covered with planks.

The clearer and purer the color of the water, the better will be the color of the hemp. Where the water is warm, three weeks' steeping will be sufficient, but, if cold, as in rivers, springs, &c., five weeks or longer may be necessary. At the expiration of this period, a head of the hemp is taken out and dried; if, on beating and cleaning it, the husk comes off, the hemp may then be taken out of the water, but if the husk still adheres to it, it must be allowed to remain some time longer. This trial must be repeated from time to time, till the husk separates, when the hemp must be taken out of the water, and suspended to dry, as directed before, on its being taken off the ground,

The hemp is now made into the two sorts distinguished by the names of *spring* and *winter* hemp, the former being dry and rather of a withered appearance, the latter more moist, and of a fine brownish green color, containing more of the vegetable oil, and, therefore, the more apt to heat, though, if not shipped at St. Petersburg or Riga before September, there is not much risk of its heating any more on board the ships, especially on short voyages, as to England, and are the best fit for cables. If it be intended that the hemp should be early ready for the market, it is made into winter hemp by the following process: On being taken out of the water, it is left suspended in the open air for about a fortnight, when it is put into the kiln for twenty-four hours, after which it is broken by means of a hand-mill, and the husk is then beaten off by striking the heads obliquely with iron and wooden instruments of the shape of a large two-edged knife; lastly, to unravel it, it is drawn through a wooden comb, or card, with one row of wide wooden teeth, fixed perpendicularly.

The hemp is then laid up or suspended in sheds, and is fit to be sorted, bound into bundles, and loaded into the barks.

The hemp, to be prepared as spring hemp, is allowed to remain suspended, and exposed to the weather the whole winter, until it be dried by the sun in the spring, when it is broken and cleaned in the same manner as the winter hemp.

As the greatest part of the summer elapses before it can be made fit for the market, none of this hemp reaches St. Petersburg until the following spring, that is, two years after it was sown.

The hemp is sown in the same manner as linseed, rye, or wheat. Land of a sandy soil may also be employed for it, but it must be strongly manured, otherwise it will be too short, and a flat country should always be preferred.

One chetwirt of seed commonly yields 25 loads (upwards 36 pounds English) of hemp, and twelve chetwirts of hemp seed.

B.

Observations relative to hemp.

Taken from the American Farmer, vol. 5.

The following observations relative to hemp are said to be approved by the experience of practical men in our own country, particularly Mr. Henry Kip, of Buffalo.

Hemp is a very hardy plant, resists drouth and severe frosts, is easier cultivated, less exhausting, and more profitable than many other crops, with which this does not interfere in its cultivation, (except the tobacco crop.) It is sown before, and gathered after, corn, and requires no attention when wheat is sown, harvested, or thrashed. It will grow year after year, on the same ground, on which, if sufficiently rich, it is the surest crop. It is liable to no diseases, and injured by no insects.

The soil.

The soil should be deep, clean, dry, rich, and mellow. The plant has a tap-root, which descends to a considerable depth, and therefore the soil should be deep, and be thoroughly mellowed by deep and frequent ploughings. Fall ploughing, and two or three ploughings in the spring, together with harrowing, so as to smooth the surface, (and thereby enable the seed to be sown even, and the hemp to spring up equally, and be cut close to the roots,) are preparatory steps to the putting in of the seed.

The seed when sown.

The seed (to the amount of two bushels per acre, on middling soil, and three on rich ground,) should be sown as early as possible in the spring, after the ground becomes dry and well prepared. Early sowing renders the coat heavier and stronger, enables the hemp to cover the ground early, so as to smother weeds, and, before the sun becomes powerful, to shade the soil and preserve its moisture. The seed, after being cast as even as possible, should be harrowed in, to as equal a depth as may be, that it may all start together; and a heavy roller should then be passed over, or a brush drawn across, to smooth the surface, in order that the hemp may be cut close to the roots.

Ripening and harvesting.

When the hemp becomes fit to be cut, the stalks of the blossom, or male hemp, turn yellow, become a good deal speckled, and drop most of their leaves, and, if the air is still, a cloud of dust arises from the blossom stalks, and hangs over the field. When sown early, it will be fit to cut about the 1st of August. The above appearance will become indicative of the proper time, and then it should be cut without delay; for, if suffered to stand longer, (as about one-half of the stalks blossom, and the other half bear seed,) the stalks of the male will wither and blacken, and the coat be of but little value; and the female hemp, which has stood to ripen the seed, requires a longer time to rot than the male, and, consequently, both would be thereby injured. *The best way to get seed would be to sow some thinly in a separate patch.* The mode of cutting is preferable to that of pulling; a man will cut half an acre per day, and a quarter, pulled, is said to be a day's work. By the former practice, the inconvenience of dust, and the dirt attached to the roots, will be avoided. Cut hemp will be worth ten dollars a ton more than the

pulled. Knives, or hooks, for that purpose, may be obtained for about $1.25 each. When cut, spread the hemp a day or two, to dry it, then bind it, and put it up in shocks.

Wretting (or rotting.)

As soon as harvested, in order to prevent the rains from discoloring it, proceed, as early as convenient, to wret it, by placing it in *clean, pure water*, formed by a stream, spring, or clear pond. If rotted shortly after cutting, about five days are generally required for the purpose. You will be able to judge, by taking out a handful and drying it, and if the stalk of sheaves will shake out, and separate easily from the bark, leaving it clean and entire, the process of wretting is completed. The bark, or lint of hemp, is connected with the stalk by a substance which must be either wretted or dissolved before they will separate; produce the separation, and the work is accomplished. Experience will be the best criterion. The water in which it is rotted should not run rapidly, as it would, in that case, wash away the coat. You may have three or four wagon loads of hemp, to the depth of three or four feet, sunk at a time, but it should be completely submerged, though not suffered to touch the bottom. If separate quantities are put in on several successive days, the days and quantities should be noted, for the purpose of ascertaining which becomes first wretted, and which should, therefore, be first taken up; for, if left in the water a day or two too long, the hemp will be materially injured.

Dressing and securing.

When rotted, open and spread it, that it may dry soon. The process for breaking and swingling is the same as that for flax. When it grows too long for dressing (say from eight to ten feet) it may be cut into two equal parts without any injury. Be very particular in keeping the long and short hemp separate, and not have the seed and but ends put together; be also careful to dress it clean. When dressing it, put twelve handfuls in one head, laying them straight, the length of the hemp. The handfuls must not be tied, but bind the heads tight with a small band, about one foot from the but end; it will then be ready to be put into such sized bales as may be suitable. Some bale it into a box, across the bottom of which four ropes are laid to tie the hemp when pressed into it. When packed, it should be perfectly dry, otherwise it will rot.

The following remarks from the "Plough Boy," on the subject of water-rotting in preference to dew-rotting, coincide with the opinion of experienced cultivators. "If the crop is to be dew-rotted and got out by hand, its profits must be comparatively small, because it cannot be thus prepared to command the highest price in market, compete in quality with the Russia hemp, much less drive it from our markets. But, if the American hemp planter be prepared with proper machinery to dress and prepare it, we ought not to doubt, much less to despair, of his ultimately arriving at a perfection in the production and dress of the article, to equal, if not excel, the best samples of Russia hemp."

C.

Extract of a letter from Mr. Naman Goodsell to Mr. Samuel Swartwout, April, 1823.

Taken from the American Farmer, vol. 5.

I am prepared to show that *water-rotting*, in all cases where it can be done, is, most unquestionably, to be preferred. 1st. It is more durable for all the purposes to which it is applied; a fact perfectly well known to those who manufacture sack and cordage. 2d. It is more easily bleached; and, 3d. It will yield a greater quantity of fibre from a given quantity of the plant. My own experiments with respect to the superior durability of water-prepared flax were very satisfactory. I placed on the ground a quantity of flax that had been sufficiently water-rotted, for dressing, by the side of an equal quantity of *unrotted* flax, and turned them once in three days, until the new flax was sufficiently rotted for dressing also, and, upon examination, I found that that which had been previously *water-rotted* had lost none of its strength, and that it had not altered in any respect, except in its color, which was a little brighter than when laid out; both parcels were now suffered to remain upon the ground, until the dew-rotted became *worthless*, when the water-rotted was found to be still strong and good.

I repeated these experiments with dressed flax, and with the plant, and found the result the same. This, in my mind, fully established the very important fact, that *water-rotted flax* or *hemp* is infinitely superior to that which is dew-rotted.

I made an attempt next to ascertain the proportionate loss in weight in each process of rotting, and found them both nearly equal, viz: about twenty-five per cent.; but I found, at the same time, that the produce of this equal quantity of plant differed materially in weight. When it came to be dressed, the dew or land-*rotted* averaged from 12 to 16 pounds of fibre only, whilst the water-prepared gave from 16 to 25 per cent. This difference in weight I consider to be quite sufficient to defray the extra expense of water-rotting, whilst the value of the article would be enhanced one-third more. My strong desire to investigate this subject fully, induced me to make other trials, by boiling and steaming, in order to avoid the rotting process altogether, but I did not succeed in any of them sufficiently to warrant their recommendation to the public. On the contrary, I became convinced that neither would answer.

My next investigation was an attempt to ascertain the nature of the substance in which the fibre lies imbedded, and found it to consist of gum, mucilaginous matter, and a peculiar kind of vegetable extract, containing a small quantity of tan. The substances were precipitated from their solutions by means of re-agents, when, after drying, the gum bore a greater resemblance to gum lac than to any other substance, and was perfectly soluble in solutions of potash, whether caustic or carbonated, and also capable of being dissolved in alcohol. The other parts, as mucilage and extractive matter, were soluble in water; hence, I conclude that potash is the cheapest solvent for cleansing flax, and that this can be best applied when it has been cleansed from the woody part and manufactured into cloth.

In the management of hemp and flax, I would recommend the following method, because it saves labor, and is more convenient to dress: When the plants are pulled, care should be taken to sort them, by putting the longest lengths by themselves, and, for the purpose of facilitating the handling of it at

the machine, it is well to put about one pound of the plant into a bundle, as soon as the seed is thrashed, which is done with exceeding expedition by the machine. Let it be put to rot in water—the surface, after the plant is immersed, to be covered with boards or straw, or anything else, to exclude the sun's rays, which will cause the whole to have the same color. If troughs or vats are made use of (I would certainly recommend them where the farmer can possibly procure them) after the plant has been forty-eight hours in water, it should be drawn off, when the water will be found to be exceedingly discolored, and this should be repeated, after which, let the plant remain immersed until it be sufficiently rotted, which must, of course, be determined by experience and judgment.

The disagreeable smell, so much dreaded and deprecated, will, by this process, be greatly diminished. When the weather and the water were both warm in summer, I have known them to rot in seven days; in other instances, in cold weather, I have known them to lie buried for ninety days, without injury.

D.

Extracts of a report made by "Peter Besnard, Esq., inspector general for Leinster, Munster, and Connaught, to the trustees of the Linen Board, London," by whom Mr. Besnard was appointed to proceed to Holland and the Netherlands, for the purpose of ascertaining the probable reasons why those countries are able to produce a flax of a softer and more silky quality than the flax of Ireland, &c., &c., 1822.

Taken from the American Farmer, vol. 5.

The process of flax-dressing is performed here, (Lokeran) and in France, on a hackle somewhat different from ours; it is nearly square, and the teeth not more than two inches and a half long, and although the work is well performed on it, it is not considered by some English flax-dressers as equal to an English hackle. Of Mr. ——— I particularly inquired if all the flax purchased by him *gave seed*, which he informed me *it did* even *if intended* for the *finest purposes*.

Proceeded from Brussels to Tournay, by Halle Enghein, Ath, and Leuse, in all of which towns the linen manufacture is carried on. On the whole line from Brussels to Tournay, excellent flax is grown, in considerable quantities; the greater part of it was pulled and set up to dry in a manner differing from the practice in Holland. In this country, and in France, flax, when put to dry, is not tied in bundles, but is placed loose, in a sloping direction, in long rows or ridges, the heads or boles to meet, and the root ends spread out so as to form a V reversed. At each end of the double rows of flax, and at certain intervals, stakes are driven into the ground to support them. This mode is decidedly preferable to bundles, because every part of the plant is equally presented to the influence of the air; but it should be observed, that it is suitable to a country where mild, calm weather prevails in the flax season.

In Cambray, I made inquiries relative to the article of cambric, peculiar to that town, or as it is here called, Batiste, from the name of the man who first introduced it, which, it is said, he was induced to do in consequence of the extreme softness of the water in the neighborhood. Here I was so fortunate as to see every process of this manufacture, from the preparation of the flax from the hackle to its finish for the consumer; and I was assured by many persons conversant with the business, that, except for some very superior kind of cambric, and very limited and inconsiderable scale, all flax used in the manufacture gives seed; for it is in the after management of the flax plant, the people of Cambray say, that everything depends to render it fit for fine works. So tenacious is the government of France of this seed, as well as of flax, that the export of both is prohibited. The process of steeping and cleaning flax, in this part of France, and in Flanders, from whence they get some supply, differs little from the plan followed in Holland—everything being done by hand; but the greatest care is observed in every stage of preparation for the hackle.

Here I feel it my duty to state, that, for regularity and method, in every operation, the plan pursued by the Dutch boors is to be preferred to any other. In all cases their mode of saving seed has decidedly the preference, in my estimation; and it may be necessary to add, and to impress on the minds of the flax cultivators in Ireland, who sow that plant, as an *article of general commerce*, that, without the seed, the Dutch boors would consider the business a very unprofitable one. It is generally computed, that, after all expenses of rippling, &c., the seed leaves at least from £8 to £9, the English acre; and one of the most convincing proofs that can be adduced in favor of the Dutch mode of cultivation of flax, is, that all the growers are independent, and many of them have, within a few years, risen from very humble beginnings to considerable wealth.

In the progress of my several tours through the countries that I have visited, I made it a particular point to examine, with care and attention, the soil in which flax is grown, and to ascertain (if possible) whether these places possessed any local advantages for the cultivation of that plant, which were not also possessed by the growers in Ireland. As far as my humble judgment serves, I could not observe, on this mission, nor call to mind, from the experience of many years, that the south of Ireland does not possess every requisite to admit of her growing flax of the same quality, and to the same profit, as is experienced in Holland; which, however, cannot be done without obtaining the seed, and presenting the article to market in that merchantable shape which must always ensure a demand and a renumerating price.

Why so general an opinion as has prevailed in Ireland, for a series of years, that flax which gives seed is not adapted for her fine linens, should have taken place, I cannot conjecture, nor is it here necessary for me to dwell on; but I can undertake to assert, without fear of contradiction, that I have seen on this tour, flax, the growth of Holland, Zealand, Brabant, Flanders, and France, that has given seed, fully equal in quality to what is grown in other countries, and applied to the manufacture of articles of as fine a texture as any made in Ireland. In a word, the growers of flax, in any of the countries I have named, would be considered as persons void of common understanding, did they not partake of every advantage and benefit which nature gives to the flax crop; or, in other terms, if they did not save the seed with the same care as is usually bestowed on every description of grain.

Soil.

The soil preferred by the cultivators of flax in the Netherlands is a deep, loamy clay, or what they term fat land, free from weeds, and capable of giving wheat, which is, in almost every case, the pre-

vious crop, except when land, after producing madder, is to be had, which is esteemed the best of all; but the cultivation of that plant being rather limited, it is rarely to be met in quantity compared with wheat stubble; it is, however, a general practice in that country never to sow flax but in rich, good ground.

Preparation of the soil.

The mode usually followed in the Netherlands of preparing ground for flax, if from wheat stubble, (the general previous crop) is, after reaping, to have it *immediately lightly ploughed*, and let to lie in fallow until the ensuing spring, when it is again *lightly ploughed*, preparatively to the sowing of the seed; but if grown after a madder crop, the custom is to give a light ploughing in spring, a little before sowing.

Sowing.

With respect to the seed sown in Holland and Zealand, it is invariably either Riga or home-saved, none other being used; the latter is sown for two, sometimes three seasons in succession, never longer; and, at the end of that time, Riga seed is again sown; but some of the rich and judicious flax boors every year sow a small parcel of Riga seed, so as to keep up a constant succession of fresh. When selecting seed for sowing, either of Riga or home-saved, the most scrupulous attention is paid to procure it of the best and cleanest kind.

As to the quantity sown in any given portion of ground, much depends on the quality of the soil and the age of the seed, which experience alone can determine; but, as well as I could collect information from the boors on this subject, comparing their measurement with the English and Irish acre, the quantity sown bears a due proportion to that of Riga seed, usually sown in England and Ireland. The time of sowing is generally between the end of March and middle of April.

Pulling.

In the Netherlands and France, flax is always allowed to arrive at maturity, and is never pulled, particularly in Holland and Zealand, until the seed is perfectly formed, and the capsule brown and hard, so as to be easily disengaged from the stalk; when in that state, it is pulled, and at once made into small sheaves, which are placed in stocks of eight to the stock, the root-ends on the ground, projecting, and the heads meeting at the top in such a manner as to present the entire of them to the influence of the air; in this way it remains eight, ten, and sometimes fourteen days, according to the state of the weather. Should occasional rain fall at this time, it is considered of great service, to wash off the impurities and withered leaves which attach to the plant when ripening.

Rippling.

When flax is sufficiently dried, it is taken to the barn, and the process of taking off the seed immediately commences. This operation, in the Netherlands, is chiefly done by ripples, or iron pins, about sixteen inches long, and one inch square at the bottom, gradually narrowing at the top, and forming into squares; the pins are fastened into a block of timber, above four inches thick, eighteen inches wide, and made in the form of an octagon, the upper part sloped off so as to let the boles run down to the floor; those pins are set at about a quarter of an inch asunder, thirty of them in each block, which is fastened, by means of two staples and wedges, to a two-inch plank, that rests on triple trees of a sufficient height for grown persons to sit on whilst rippling; two usually work at the same ripple, sitting opposite each other, and drawing the flax alternately through the teeth. During this process, great care is taken not to let it slip through the hands so as to entangle the root ends, which, in every process, are kept as even as possible. When the seed is discharged, the flax is again made into small sheaves, and in every instance bound together by plaited cords, three and a half feet long, made of strong rushes, that usually last for years, and are carefully put up from one season to another. When the entire quantity of flax prepared for rippling has undergone that operation, the boles are immediately run through a very coarse screen, sufficiently open to admit every particle of waste or dirt to pass through, so that they remain free of all impurities. The waste discharged in this manner is used by bakers in heating ovens, and the bole, by being thus cleaned, remains safe, and the seed can be kept for any time required. The mode most approved of for taking the seed from the bole is to thrash it, which is done by a flail, the handle of which is similar to a common one, but the working part is not more than half the usual length—about four inches diameter.

The hulls, after the seed is discharged, are sold, at the rate of two pence the sack, for feeding cattle in the winter. They are chiefly bought by Brabant farmers, who mix them with various other vegetables and carrots, which they grow with their flax, in ground suitable; and I have seen, in Brabant particularly, numerous fields, with flax standing to dry, and the peasantry weeding carrots that had grown with it, and which appeared in a prosperous state.

Steeping.

This process being the most important one which flax undergoes, and on which its value, in a great measure, depends, claimed my most serious attention, and occupied me for a considerable time in observing it in detail, as performed by various steepers, and with flax the growth of different places.

In general, the steeping pools in Holland are similar to what are known in Ireland as trenches of water, to drain and divide low grounds, such as abound in various parts of the south and west provinces, particularly where the soil is best suited to the growth of flax, and most like that of Holland and Zealand. Those trenches, in the summer months, are grown over with light grass and weeds, which are cut a little before steeping time, from the *edges* of the bank only, leaving the middle and the trench undisturbed. Previous to steeping, a sod or mud bank is thrown across each end of that portion of the trench required, which is seldom more than sixty to eighty yards.

In making those banks, the mud, for the distance of eleven or twelve feet from each, is drawn with iron scrapers from the middle and bottom of the trench, and sloped against each of them, leaving a space of water, free from weeds and mud, sufficient to put in a set of sheaves, and admit of a pool, eight or ten feet, between the cross bank and the last layer of flax. The steeping pool being thus prepared, a bundle of sheaves is opened, and eight of them laid in with small light forks, with which they are as regularly

placed as if laid with a line, each sheaf being put down with the root-end towards the cross bank, and the top-end towards the bottom of the pool: when the first layer is down, a second and a third layer of eight sheaves is put in, the root-end of every layer meeting the bands of the former one, and all placed in an oblique direction. When three layers, or twenty-four sheaves, (which is always the number that is put in at a time) are laid, the steepers, who are provided with scrapers and forks, draw from the bottom of the trench, mud, slime, weeds, &c., &c., just as it comes to hand, and which they place, to the thickness of six or eight inches, on the flax, leaving only as much of the last layer uncovered as may be sufficient to receive the first layer of the next, and for which room is made by the removal of the mud, slime, &c., used as a covering for the former layer.

In laying on the mud, great care is taken to plaster it together, and so combine it as to exclude the air and light completely from the flax.* The entire quantity being thus placed in the pool, nothing appears but a surface of mud. The next operation is to throw, from that part of the trench not wanted, a sufficient quantity of water to cover the entire mass, to the depth of six or eight inches. Although the mode of throwing the water into the steeping pool is done by a simple contrivance, it is nevertheless worthy of observation—as it abridges labor and saves time—points duly appreciated by the working classes in land. This business is performed by means of a triangle, made of slight poles, placed across the trench, near one of the banks: from the centre of the triangle is suspended, by a slight cord, a chute, or oblong box, capable of containing about five or six gallons, and which lies at a small depth in the water; to the chute is attached a long handle, with which the steeper works it, and so throws the water into a cut, made in one corner of the cross bank, by which it is conveyed over the mud. When this is done, the flax remains from six to thirteen days, according to its quality and the temperature of the weather, and, in some cases, the properties of the water and mud: and I witnessed, myself, the taking out of flax, grown in Holland and Zealand, some of which had been steeped in seven days, whilst others required fourteen to prepare it. It is here necessary to observe, that the flax growers in the Netherlands carefully watch the flax during the steeping process, particularly after the fifth day, when they, once in every twenty-four hours, take out a sheaf with a fork, and examine it; if not sufficiently steeped, it is carefully replaced and covered. When the flax is found sufficiently steeped, it is drawn out with great care, by forks, beginning with the sheaves last laid in, one sheaf only being taken out at a time, which is turned over into the water, to disengage the mud from it, when it is gently washed in the pool, and left at the end of the cross bank for that purpose; after washing, it is laid in rows, by the side of the pool, to drain, from which it is spread on the grass, where it remains until the cultivator finds it ready for breaking. For this process there is no defined time, every farmer judging for himself when his flax should be raised; but it is the uniform practice, in those parts of France and the Netherlands where I have been, to *grass* all flax after steeping; no regard whatever is paid to the situation of the steeping pools as to aspect; those which I saw in various places lay in every direction, nor did it appear to me to be of any moment, in consequence of the total exclusion of the light and air, by the covering of mud, &c. When removing the flax from the field to the barn or store, it is again made into small sheaves, nearly of an equal size, twelve of which are bound together, similarly to what they were when going to be steeped.

Drying.

Should the flax, which has been raised from the ground, be found partially damp, which often happens in Holland, it is dried, or rather aired, on what is called a kiln, but which is merely a brick building in an open space, about twelve feet long, with a slight brick wall in the centre, and projecting walls at each end, about three and a half feet deep. The fire pit, which runs the whole length of the building, is from two to three feet under ground; the fuel used is always the shoves and other waste that drop in scutching, which is kept continually stirring, so as throw a regular and gentle heat to every part of the plant, which lies across strong rods, that rest on each end of the projecting walls. When the flax can be cleaned without this process, it is so done; but, when necessary, it is performed with the greatest care. Immediately after the flax is sufficiently aired, it is put into a small building, air-tight, where it remains until it cools.

Putting the flax into this building, after airing, is, I believe, what gave rise to the idea of its being stoved, in Holland, previous to cleaning; as I could not learn, in the course of my inquiries on that subject, that such a practice had ever existed.

Breaking and Scutching.

In the Netherlands, flax is always broken and scutched by hand machines—for the most part, with breakers and scutchers, similar to those known in many parts of England, where flax is much grown, and known, also, in some parts of Ireland. In one part of Flanders, a hand machine, similar to that described in page 6, is used; and it appears to be very applicable to those districts where flax is grown in small quantities, and does not arrive to that length and strength of staple produced in the rich grounds of many parts of Munster. In no instance, however, could I discover that any kind of machinery, worked by moving power, was ever used in Holland; but it is worthy of remark, that, throughout the Netherlands, the flax plant is so carefully attended to, in every operation, that it breaks and dresses with great facility and comparative ease, and presents a more finished and better article than is to be found in most other countries.

Whilst viewing the treatment of flax in the Netherlands, I was not a little surprised at seeing cattle of every kind grazing in the field where it was steeping, and with free access to the steeping pools, the water of which in Ireland is considered to be highly injurious to every animal. Having questioned a boor on this matter, he told me he never knew an instance of cattle being injured by flax water, nor is any precaution whatever used to keep them from it. On examining the water in which the flax is steeped, I found the color of it to differ much from that of the flax pools in Ireland; and I am led to think, on further consideration of the subject, that the vegetable matters which are blended with the mud, when spread over the flax, being decomposed into the fermentative process that takes place, mingle with the mucilage of the plant, and act as agents to neutralize its injurious qualities. How far this may be the case, or whether the plant, being ripe before watering, and totally excluded from light and air in this

*Only one set of layers of sheaves in depth is put in each steeping pool at a time, it being found injurious to the flax to let the discharge of mucilage from one parcel blend with another. About one foot of water is in the pool when the flax is laid in.

process, may produce effects different from those in Ireland, I shall not pretend to say; but the fact is as I have described it.

That the mode practiced in Holland, Zealand, Flanders, and France, of excluding light and air in the steeping of flax, has a powerful effect on the color of the plant, cannot be doubted; and that the properties of the water and mud employed have considerable influence in that point, as well as on the texture of it, is equally certain, and is fully exemplified in each of those countries, as will be seen by the following statement:

In that part of Holland where flax, the growth of that country and of Zealand, is steeped, and where the soil is dark, and of a slimy nature, the water soft and clear, and perfectly suited for culinary and other domestic uses, it is found that it comes from the steeping pool of a dark clay color, varying only in shades, according to the quality of the soil, or mud, with which it is covered; but every parcel is uniformly of one color, from each pool; it is, likewise, of a soft and silky nature.

In Zealand, when flax is steeped, as in Holland, with respect to the exclusion of the air and light, it is always of an uniform color; but, from the quality of the water and soil, comes from the pool of a light straw color, and is harder in its nature than that steeped in Holland. This is attributed to the brackishness of the water and soil, which purges the plant in the steeping pools, and deprives it of its extractive matter; so much so, that it is calculated to lose, in steeping, in Zealand, from 20 to 25 per cent. more than when steeped in Holland For this reason, the Dutch flax boors bring the flax that they grow in Zealand from the field, dried with the boles on it, to be steeped, &c., at home, often fifty and sixty miles distant. When flax, in Zealand, is not steeped with the same care as in Holland, by excluding it from the air and light, with mud and slime, it comes from the pool precisely as it does in many parts of the south and west of Ireland, of various colors and qualities, even in one strick, or bunch, in consequence of which it sells, at all times, in the Rotterdam market, at an under price, for inferior work. This is a strong proof of the effects produced by the exclusion of light and air in the steeping process.

In Flanders, where the soil is lighter in quality and color, and the water clearer and fresher, than in Holland, the flax is some shades brighter than that steeped in Holland; but not of the straw color, or harsh description of that steeped in Zealand; it is, however, uniformly of one shade from every steeping pool, doubtless in consequence of the exclusion of light and air.

In France, where the soil is still lighter than in Flanders, the flax is of a lighter color than in that country or Holland, and is between a straw and clay color, neither so hard as the Zealand flax, nor so soft as that steeped in Holland; it is, however, like all the others, when excluded from the light and air, of one color from every pool; nor did I see, in the course of my examination of flax, in the several countries I visited, any of that article striped in color, or of different qualities, in one head, or strick, but that grown in a part of Zealand—where the cultivation may be said to be in its infancy, as compared to other places.

On the whole, it appears to me, from every information I have received, and from the best consideration I have given the subject, according to my humble judgment, that the exclusion of the light and air from the flax, in the steeping process, as practiced in the Netherlands and France, form the most important points in the treatment of that plant; and I am of opinion that a due attention to the mode practiced in these countries would eventually lead to the cultivation of flax, in Ireland, on a scale that would be of the utmost importance to the landlords, tenantry, and peasantry, of the country.

With respect to the regulations in those countries for dividing the flax into different sorts, or numbers, according to its fineness or coarseness, there is no law or public examination, as in Petersburg and Riga—nor does there seem to be the smallest necessity for such a measure; the flax growers themselves, being sensible of the advantages derived from a regular system, carefully assort each quality before they offer it for sale, and set a price on it accordingly. On this point, the merchants are equally particular; as they separate, with great care, every quality they purchase. In making up for a foreign market, there is no rule as to the size of the bundle, or pack, the merchant being governed by the orders of his correspondents, who, for the most part, differ in respect to the size of them, some directing them to be made up in bales of one cwt., while others order them in bales of four and six cwt.

On a recent examination, by Mr. Bander, of Kew, of the material which covers the Egyptian mummies, it is found to be made from flax, some of it plain linen, and some of it from twisted yarn, similar to sewing thread, varying in the quality of the texture, according, (as it is supposed) to the rank of the deceased. In making this discovery, Mr. Bander ascertained that the fibres of the flax plant are cylindrical tubes, the surface presenting a spiral appearance.

The fact of the fibre of the flax being a tube, appears to me to elucidate, most clearly, the cause of the slowness in the fermentive process of the finer plants, compared with the coarser, (2) being an equal portion in circumference of the fine, contains a greater number of fibres or cylinders, of more minute dimensions, than the coarse, and do not, therefore, discharge the air and mucilege (3) so rapidly as the latter, which is composed of considerable quantities of wood, and less fibre than the fine; it likewise demonstrates the necessity for depriving the plant, before steeping, of the bole or capsule, which may be said to act as a stopper to the fibres or cylinders, and actually seals them at the tops, thereby preventing the necessary discharge until the bole separates from the plant, which it always does with great uncertainty; thus occasioning portions of it to be over-steeped, and other parts not sufficiently done, which causes the variety of colors, and inequality of texture, so often found in Irish flax.

In Russia, and in every other part of the continent, flax is deprived of the bole before steeping, and it is a fact well known, that flax grown in Ireland, generally speaking, is the most irregularly prepared for market of any in Europe, though the soil of the country is at least equally fertile, and the climate as congenial as that of Holland, or the provinces on the shores of the Baltic.

The mellowness and evenness of every description of continental linen, so well known and admired by those acquainted with that manufacture, is considered to arise from the superior quality of the flax of which it is composed—in the preparation of which the greatest pains are taken. Viewing, therefore, the treatment of this valuable plant in the Netherlands, in all its bearings, it seems to me that the greater art (if such it may be called) of producing it of a better quality, and in a more merchantable form, than it is done in Ireland, rest solely on a well regulated system, from which no person deviates, from the sower of the seed to the export merchant.

Note 1. In speaking of the qualities of the soil in Holland, Flanders, and France, I allude to those places only where I have seen flax cultivated.

Note 2. It is well known to those conversant with the treatment of flax in Ireland, that the fine plant requires more time to steep than the coarse. It is also known that the top ends are not so well steeped as the other parts. Allowing the capsule to remain on the plant in the steeping process, seems to account for the latter defect.

Note 3. The mucilage, or, more properly speaking, the resin of the flax, is a permanent dye, from which a variety of shades of color has been obtained.

Extract of a letter from Mr. ———, of France, to Peter Besnard, Esq., dated —

London, *August* 23, 1822.

In answer to your question respecting the causes of the different appearances of Irish and Dutch flax, I have endeavored to give you, as follows, the best solution in my power.

The Irish mode of steeping flax, compared with that used in Holland, is defective in principle, and injurious in the result, to those qualities essential to constitute a good article.

When flax is steeped in a green state, whilst the plant has not yet attained maturity, it is plain that all the fibre of which it was susceptible is not formed; and its constituent principles, being but imperfectly combined, are the easier separated. This occasions substantial loss. The carbon which should go to form the fibre, is, by the process of fermentation, sent off in the shape of carbonic acid gas, which, rising to the surface of the water, escapes, and forms that deleterious atmosphere, so fatal to animal existence. Again, the flax being exposed to the influence of the light, becomes variegated, and the decomposition is so rapid and tumultuous, that not only much of the tender plant is destroyed, but the volatile products fly off, and, meeting no resistance, mix with the air, forming a mixture of sulphurated and ammoniated hydrogen, which is but too evident to the olfactory senses of those who come within the sphere of the nauseous and noxious effluvia. The defence set up in favor of this mode, namely, that the younger the plant the finer the tissue, even if true, I doubt would compensate for the actual waste occasioned.

In Holland, the flax is not put to steep until at perfect maturity, and, even then, it is covered over in the steep with a thick layer of earth and mud, which, while it defends the flax from the action of light, furnishes certain affinities, which do not fail to take up and form, with the substance thrown off by the fermentation, insoluble compounds, such as earthy carbonates, sulphates, &c., and thus it is that the tissue suffers less, and maintains its uniform quality and color.

No. 1.

Extract of a letter from manufacturers in New York, dated —

July 29, 1824.

We have the honor to acknowledge the receipt of your letter of the 20th, desiring information respecting the cultivation and manufacture of hemp in the United States; and it affords us much pleasure to comply with your request, as far as our own experience and knowledge of the subjects, together with the hints derived from other respectable sources, may enable us.

A considerable portion of the lands in the States of Kentucky, Ohio, Illinois, and Indiana, is well adapted to the profitable culture of hemp. It may also be grown to advantage in several of the counties of the State of New York, and on the borders of the Connecticut river; or, indeed, in any of the middle and eastern States, where the soil is composed of a rich loam, or on alluvial bottoms.

Kentucky is the only State where it is at present raised in any considerable quantity, and the crop of last year, in that last State alone, was probably from 500 to 1,000 tons, which is manufactured chiefly into cotton bagging and the coarser kind of ropes, such as bale rope, &c.

With respect to the extent to which it may be cultivated, we have no hesitation in expressing our belief that Kentucky alone can furnish a sufficient supply for the consumption of the United States.

Hemp being an exhausting crop, it is said that the best of land will not advantageously bear a succession of more than three crops; but, in Kentucky, it has been ascertained by experience that the land, by being afterwards put into grass, especially clover, will, in three years, be restored to its ability to produce a further succession of three crops of hemp.

The quantity obtained from an acre, by the ordinary process of rotting and preparing the hemp, is from 500 to 800 pounds; but when cleaned in an *unrotted* state, it is supposed that the yield will be from one-half to two-thirds more. The perfection to which machinery for cleaning hemp, both in a *rotted* and *unrotted* state, is now brought, warrants the conclusion that, in a short time, it will be in general use.

The ordinary mode of sowing the seed is considered to be defective, from the small quantity put into the ground. At present, a bushel and a quarter is the usual quantity, which produces too rank a growth, and, of course, the fibre is coarse and harsh. It is said by judicious farmers that, upon rich soil, two bushels of seed, at least, ought to be used to the acre.

The hemp of this country, before rotting, is fully equal to any hemp of foreign growth; the texture of the fibre, generally, resembling that of the St. Petersburg and Archangel, and the finest kinds being fully equal to the best Riga.

The price of St. Petersburg clean hemp here, at the present, is $170 per ton. [The average price for this kind may be taken at $180 to $200 per *ton*.] Riga is worth $10 to $20 more; while American (solely from the imperfect manner of rotting it) sells now for about $110 per ton.

Our hemp is almost invariably what is termed *dew-rotted*, and experience has satisfactorily shown that cordage made of hemp of this description, is by no means so durable as that made of *water-rotted* hemp; and the foreign hemps, above mentioned, are all water-rotted. *Dew-rotted* hemp does not retain the tar necessary to the protection of the cordage from the effects of the wet, and without tar it is injuriously affected by the water, in a much greater degree than *water-rotted* hemp.

In order to make our hemp equal to any of foreign growth, and to supply its place altogether, as far as quality is concerned, nothing further is necessary than that it be *water-rotted*, or prepared without rotting, if, upon proper investigation, it be found that the machines which have been constructed for the purpose will make the hemp suitable for all kinds of cordage.

We have long and anxiously looked forward to an improvement in the culture and preparation of the hemp of our own country, and inquiries which we have diligently made have resulted in the conviction that the expense and difficulties of water-rotting hemp have been much overrated with us. It was tried upon a small scale, in Orange county, in this State, the last year, in wooden tanks, and the experiment resulted very satisfactorily.

The usual mode of water-rotting hemp is to steep the plants in pools of standing water, or in clear and running water. The length of time required for steeping is various, and a complete knowledge of it can only be attained by practice; much will, of course, depend upon the temperature of the water. In some cases, ten to eleven days may be necessary, whereas, in others, four, five, or six, will be sufficient. The slenderest hemp is said to require the most soaking, and the operation is known to be finished by the heart separating easily from the reed or woody part. The bundles should be laid in the water crosswise upon each other, taking particular notice of the manner in which they lie when put in, in order that they may be taken out without difficulty.

Fine and soft fibred hemp is the best: ours is too frequently the reverse, owing to the seed being too sparingly sown. The strongest and richest land will, of course, yield the most *abundant* crop; but that which is poorer will produce the finest and softest hemp. Hemp which has stood for seed is not considered equal to that which is pulled before it is ripe; consequently, it would seem proper to set apart a piece of ground upon which to ripen seed for a subsequent season, and the seed thus raised will be better than that raised in the common way.

The foreign hemp received here is not generally of as good quality as is produced in the places where it is grown. It is frequently old hemp, having in part lost its strength. It is, moreover, all more or less injured on the voyage, by being heated in the hold of the vessel, and in many instances very materially so, even in cargoes which are here deemed merchantable. If we would require any additional inducement to encourage the cultivation and proper management of the hemp of our own soil, so as to avoid a dependence upon foreign countries for this indispensable requisite in the equipment of our ships, both national and of private character, it may be found in the fact that the supply of foreign hemp, at all times precarious, has, on some occasions, been sadly deficient.

We have been furnished, lately, through the instrumentality of the Commissioners of the Navy, with a small quantity of water-rotted hemp, grown on Connecticut river; we have also obtained a similar quantity of hemp, raised in Kentucky, prepared and dressed by machinery, without watering or exposure to dew. Both these hemps look extremely well, and we have no doubt will make strong cordage. It is our intention to have some of each parcel spun and prepared for cordage, in precisely the same manner, to be made into ropes of the same size and weight, as near as may be, and then to test their comparative and respective strength with a rope of the best Russia hemp, of similar size and similarly made in every respect. The result, with any remarks which may be deemed pertinent, shall be communicated to you as soon as the experiment shall have been made, which, we trust, will be in about a fortnight.

We consider that the foregoing remarks upon the quality of hemp are equally applicable, whether it be converted into cloth, twine, or cordage. Hitherto cordage has constituted the almost entire consumption of hemp. A considerable quantity, we conceive, will now be wrought into cotton *bagging*.

No. 2.

Extract of a letter from a manufacturer of canvas, at Paterson, New Jersey, to the Hon. Secretary of the Navy, dated —

August 9, 1824.

I should have before replied to the letter which you did me the honor to address to me, under date of the 31st ultimo, but being in a great measure unacquainted with the subject on which you required information, I have been since engaged in procuring as much as opportunity afforded me, and I have now the honor to communicate the result of my inquiries. I would here, however, observe, that, previous to the receipt of your letter, I had the honor to receive one from the president of the Board of Navy Commissioners, on the subject of the growth and manufacture of flax, which, having answered, if it were necessary to your purpose, I could, and would, with pleasure, furnish a copy.

It appears, from all I can learn, that hemp may be produced in any soil; in Russia it is indigenous, found in all the south and middle parts, and even on the Uralian mountains, though the general opinion seems to be that the greater crops are produced from that which is a deep black mould, formed from the decomposition of vegetable matter; until the texture is apparent, its situation should be low, with some small degree of moisture. This description of soil will produce hemp in greater abundance than any other, and every State in the Union possesses more or less thereof: this State, in particular, has a full share, together with the convenience of market for the sale, and a plentifulness of that description of manure which would best answer to restore the land to its former state.

The land is prepared, by some, with three, by others with four ploughings, after it is manured; immediately after one crop is removed, 'tis usual in England to plough and harrow; the same thing is again gone through with early in the spring, and afterwards, just before the seed is sown; this makes its condition perfectly mellow, and renders it free from all kinds of weeds; in our country, if the ground be broken twice with the plough, and once harrowed, it seems to be considered sufficient; and in Russia, less pains still is taken, besides being more imperfectly done.

The seed for hemp, as for flax, should be weighty, and of a bright color; good soils will admit of three bushels to the acre; not less than two should be used where one and a half bushels are now put in, as the hemp, the thicker it is sown, provided it is not overdone, will be finer in its fibre, and, consequently, spins a finer yarn, and lays much closer, besides that the twist will be more easily accomplished by the working hand or the machine, and it will be a much stronger yarn made from fine hemp than

coarse, both being of the same diameter. The seed is sown in a broadcast manner, as early as the climate will admit, and covered in with the harrow. Drilling is sometimes resorted to in England, under the impression that the early growth of the plant is promoted; but the broadcast is preferred. The seed may be put in in April, the frosts being over even earlier, as the plants are more vigorous, and less affected by the different subsequent operations they have to undergo.

There are few soils in this country that could not produce, or be made to produce, hemp; and repeated crops may be obtained, as advantageously to the ground, from the same piece of land, with proper attention, and as little exhaustion, as almost any other vegetable production. It is asserted that, in Suffolk, in England, it has been grown for seventy years in succession, on the same spot of ground, and, by continually manuring, the ground would be restored, and it might be grown forever.

After it is sown, the management of the crop is attended with very little trouble; when it is properly ripe, it is pulled up by the roots, the mould well shaken off, and laid up in what are called *baits*. If the hemp be intended for a seed crop, it should be perfectly ripe; but if for manufacturers' use, it should be pulled earlier, as the coloring matter is then more easily extracted, and the hemp has less tow, besides that it is generally believed the fibre is stronger. The next process which the plants undergo is termed rotting—one method is denominated dew, the other water-rotting; and it is admitted on all sides that the latter is to be greatly preferred. It affords much the finest, strongest, and longest staple hemp. The former process, however, is practiced in our country almost universally; in fact, except on Connecticut river, I have heard of no other place where the method is pursued; and there, water-rotting is but imperfectly managed both as to economy and usefulness. To dew-rot the hemp, the stalks, immediately after they are pulled, are spread on the ground, as thinly as possible, where they are left three or four weeks, occasionally turned; and, in this situation, they are subject to all the variableness of our climate, which is so fluctuating and uncertain that hemp is materially injured before the farmer is aware of it, or could conveniently prevent it; the fibre is then generally weakened by being burnt up with the sun, or from too long exposure and excessive wet. Even in England, where the climate is much more favorable for this process, the greatest care and attention will scarcely prevent injury; and it is never resorted to when the hemp is the object, as it is not uncommon to find, on examination, that the hemp is deteriorated in quality from too long exposure; in addition, also, the risk of damage. This is the most troublesome and longest process; for, in water-rotting, the hemp is never handled, after it is put into the water, until the process is completed; it is then taken out, tied into rather small bundles, placed upright between two ropes, extended (parallel to each other) across a lot, and from this position it is protected from the effects of the rain, as also it is exposed to dry much sooner. The hemp, after it is pulled, is carried to a deep pond, or wooden tank of standing water; it is placed thereon, bundle upon bundle, cross-wise, and when the pond is filled, the whole should be completely immersed in the water by loading it with heavy pieces of timber; in four or five days, the process being finished, it is taken out and dried as soon as possible, in the manner explained before. Another method of rotting has been suggested in France, and practiced successfully: the water is heated to a temperature of 72 to 75 degrees of Reaumer, dissolving in it a quantity of green soap, in the proportion of one to forty-eight of hemp; the quantity of water composed with the hemp should be as one to forty; the hemp is thrown in, and the vessel covered over, and in two or three hours, it appears, the hemp is fully steeped. If this process should be found to answer, it is by far the most convenient of any yet known, unless the application of steam prove as effectual, or more so, without the addition of soap.

After the hemp is rotted, it is to be broken. A coarse and fine break is sometimes used in England, but the rollers of the lint mill are preferred, because of its being more expeditiously performed. In our country, they use what is called a hemp-mill; which is a large, heavy stone, formed like a sugar loaf, with the small end cut off—such a form as is generally used for grinding white lead; a shaft is run through it, and it is made to revolve in a circle; when passing on a plane, the hemp becomes crushed and broken by the stone, and is subsequently swingled. The rollers of the lint-mill are, however, thought to be better; and my own opinion is, that Mr. S. Swartwout's machine for breaking flax would answer better than any other mode which is now practiced.

The average crop, per acre, in America, England, and Russia, has been estimated as follows: America 400 lbs.; England, 650 lbs.; Russia, 500 lbs. The present price of American dew-rotted, is $115 per ton, that of Russia $170 per ton.

The cultivation of this plant would, no doubt, be of great national benefit—not, perhaps, arising immediately from the production of hemp, but the absolute necessity, almost, of being independent of this article from foreign countries in time of war, and the great value it is susceptible of attaining from the manufacture in our country. There is, perhaps, except in England, a greater quantity of hemp consumed than in any other, in the manufacture of cordage, sail-cloth, cotton bagging, and in numerous qualities of ordinary cloths. The certainty of a market would, no doubt, very much tend to increase the cultivation; and a demand might be created by protecting the manufacturer to such an extent as to admit of his paying the farmer such a price for the raw material as would bring the gain and demand for the article to a par with any advantage he might obtain from any other article of vegetable production. The hemp manufactured into cordage is generally brought from abroad. I have written to a manufacturer on the subject, and when I obtain the information I have solicited and expect, it will be transmitted to you. In my mill I have spun, for cloth only, about two tons. Not having been properly prepared, I discontinued the use of it; however, the machinery I possess will spin hemp as well as flax, and hereafter I may be induced to turn my attention to it again. As far as I can learn, I am the only person in the United States that will attempt to spin by machinery—I mean fine threads, capable of making duck.

To prepare the hemp for spinning, it is hackled on three tools, to reduce it to the same fineness with flax, which is reduced on two tools, and in the process we make use of oil to supply that elasticity which naturally it does not possess. All subsequent processes are the same as flax, the machinery being only altered in the draft from roller to roller, to conform to the length of the staple; it is also susceptible of being altered, that it may be made to spin the shortest tow, and longest hemp.

I would, as it regards my own interest, prefer to make use of the American hemp, were it as good as the foreign, or could I substitute it for the same purpose; but, as the reputation of a manufacturer depends on the quality of his goods, it is absolutely necessary the raw material should be of the best quality; and it is a fact, that neither the flax nor hemp of this country are of such a quality as to justify their general use for manufacturing purposes.

No. 3.

Extract of a letter from a manufacturer, dated —

SEPTEMBER 25, 1824.

The cultivation of hemp I am not acquainted with; one important defect in the American hemp is in the preparation for dressing it, in the dew-rotted instead of water-rotted state, as in Russia. There is in hemp an oily substance, which the dew-rot destroys and the water-rot preserves; this oil may be considered as the life of the hemp. Water-rotted hemp has a bright, silky appearance; dew-rotted has a dark, husky appearance; dew-rotted will not stand the water when manufactured, and will not answer for cables or standing rigging. I have manufactured, in the last six years, nearly three thousand tons of cordage, and during that time there has not been twenty tons of American hemp in the market; the quality, when compared with that from Russia, is so inferior, that our ship owners will not purchase the cordage; and I must again repeat, that the principal cause of this defect is in the manner of rotting it, and why the mode of dew-rotting is practiced I cannot say. There have been two lots of American hemp sold recently in New York, of twenty tons each; one parcel brought one hundred dollars per ton, and the other one hundred and thirty dollars per ton; the reason why this difference, one lot was not properly dressed, which is the case of much of the Kentucky hemp. Russia hemp, at the same time, sold at from one hundred and sixty-five to one hundred and seventy dollars per ton.

No. 4.

Extract of a letter from a manufacturer of hemp, at Norfolk, Va., dated —

OCTOBER 30, 1824.

I have given to the inquiries you have done me the honor to make, on the subject of the cultivation and manufacture of hemp, all the consideration my desire to comply with your wishes would suggest, and now beg leave, with diffidence, to submit the result. Being engaged in the manufacture of cordage for twenty-five years, the article of hemp has been of primary importance. For several years we used Virginia hemp chiefly; believing it to be of good staple, and only requiring pains in preparing it, we took a good deal of trouble in urging the growers of it to be particular in curing and cleaning it. In the years 1809 and '10, Russia hemp being scarce and very high, we urged on Messrs. Caruthers, of Lexington, Virginia, (large dealers in the article) and living in the neighborhood of the best hemp country, the advantage and necessity of improving it, and contracted to give them $290 per ton for 70 to 80 tons, to be clear and well prepared. Mr. W. Caruthers paid particular and personal attention to it, and it proved (with some exception) of excellent quality. This was all grown in Rockbridge, Botetourt, and Montgomery counties, on the James, Jackson, and Cowpasture rivers, and this has hitherto been the part of the State where it was grown to any extent, the three counties *then* producing 50 to 100 tons each, annually. Knowing that the practice of preparing it was by dew, or air-rotting, (which is very tedious, it lying out for months, exposed to all the vicissitudes of weather, and is often thereby injured in strength, always in color,) in the year 1810, Mr. Theo. Armistead, who was Navy agent here, and also had a rope walk, and who was very zealous in the improvement of country hemp, with our establishment, held out strong inducements to have the hemp water-rotted, in place of the usual mode; but so difficult is it to change old habits, that only in one instance did we succeed. Col. Wilson C. Nicholas, of Albemarle county, and formerly Governor of Virginia, water-rotted his crop, and, to encourage and extend this mode, we gave, for the part of it we got, (a few tons) $360 per ton; the quality was excellent, color much improved, and, we believe, the fibre, also, in strength and fineness, though it was not so well cleaned or prepared as it might have been. The experiment seemed satisfactory that it was capable of improvement, by proper management.

The practice in all hemp countries, (Russia the principal) is, uniformerly, to water-*rot*, which operation is performed in the short space of four to ten days, according to weather, and whether in standing or running water; this process, we have reason to believe, requires very particular attention, as it regards both quality and quantity of the article. In 1809 and '10 we had hemp and yarns again from Winchester, Kentucky, the staple and quality very good, and well handled; we then thought it only required to be water, instead of dew-rotted, to be equal to any we had seen. We have since had occasional supplies of Virginia and Kentucky, and though it has deteriorated, from neglect and mismanagement, we still think the staple good, and, if carefully water-rotted, and cleaned by *batling, scutching* and *hackling*, I cannot see any reason why it should not be as well suited for cordage and sail-cloth as any imported; it is, at least, of so much importance as to be worth a fair experiment. Much will depend on the cultivation of it; it will be their province to make experiments in the soil best adapted to its growth, cutting at proper time, curing, and cleaning. If they do their duty, I am of opinion that many of the existing objections to American hemp may be removed. Many parts of the western country, I am told, are well adapted to its growth; and, I believe, a great part of the lands in North Carolina and Virginia, watered by the Roanoke, would yield it to great advantage. It may be proper here to remark, the cause of hemp having been so high in 1809 and '10 was, that very little was imported; *that* from Russia sold at $400 to $450 per ton; but, in the year following, the importation was so large that it fell to $200; since then, the cultivation of American hemp has annually lessened. For the last eight or nine years, we have used Russia hemp almost exclusively—proportion about $\frac{7}{8}$ and $\frac{1}{3}$. It is preferred by the manufacturer, because it is clean, easily worked, with but little loss, and is of good color. Seafaring people give Russia hemp a decided preference; they say it looks much better, wears better, and some are of opinion that American hemp is not well suited for water rope, as cables, &c.; and also say that the constant friction of the water washes the tar from it, and that it soon decays. I believe, however, that most of these objections are more matters of received opinion than from well tested experiments. I find that Russia hemp is much better some seasons than others; this, I judge, is owing to the seasons, as all vegetable growth is subject to them. The mode in Russia, of classing the hemp into three or four qualities, gives it character; when you buy of each, you know what you have. I have manufactured some parcels of Italian hemp,

(Ancona) and found it to be of excellent quality, strong staple, and good color—indeed, the longest and strongest I had ever seen, though by no means so well prepared as the Russian, and, consequently, not so easily worked; it is doubted by some whether it is as well suited for tarred rope, and though we have, and are making some experiments on it, they are not yet satisfactorily proved. It makes excellent white rope. Manilla hemp, or grass, (I have used some parcels of it) is very strong and wiry, and said to be well suited for some smaller purposes, *untarred;* costs about 50 per cent. higher than the Russian. American hemp is generally about three-fourths the price of Russian and Ancona. Deeming the cultivation of hemp of great national importance, both for cordage and sail-cloth, too much pains cannot be taken to have its quality well ascertained; tending to which, if the legislatures of the States where it is cultivated would establish inspections, and have persons appointed competent to its duties, I am of opinion it would greatly advance its character; and, as another, and perhaps more immediate mode of ascertaining its qualities, I would beg leave, with great deference, to suggest that the Navy Department should offer a premium for a quantity, not less that fifty tons, to be water-rotted, carefully culled, and well cleaned by *batling, scutching,* and *hackling,* to be sent to a given place, and from thence distributed in suitable proportions to the principal naval stations, to be there manufactured, and judged of by the mechanic, and the commandant and officers of the station.

No. 5.

Memorandum of experiment made by a manufacturer of hemp.

Two ropes, each 2¼ inches in circumference, one made of hemp grown on Connecticut river, and *water*-rotted, broke with..... 3,209 lbs.
The other, made of clean St. Petersburg hemp, broke with..... 3,118 lbs.
Another rope, made of Kentucky unrotted hemp, broke with..... 2,968 lbs.

This last was 2¼ inches also; but it must be observed, that a considerable part of the hemp was damaged very materially in the transportation, and, it is highly probable that the whole of it had suffered some loss of strength.

Thirty yarns in each rope.

18TH CONGRESS.] No. 266. [2D SESSION.

OPINION OF THE SECRETARY OF THE NAVY AS TO ALTERATIONS IN THE ORGANIZATION OF THE NAVY, WITH STATEMENTS OF TRAVELING AND OTHER ALLOWANCES TO OFFICERS OF THE NAVY AND MARINE CORPS.

COMMUNICATED TO THE SENATE JANUARY 10, 1825.

NAVY DEPARTMENT, *January* 1, 1825.

To the President of the Senate of the United States:

SIR: In obedience to the resolution of the Senate of the 25th of May last, I have the honor to present the following report:

The paper marked A, is a report made by the Fourth Auditor of the Treasury, which shows "the amount of traveling expenses and other allowances, received by the officers of the navy and of the marine corps, over the monthly pay and rations to which they are, by law, entitled, in each year, for the last three years."

This amount embraces all the payments (except monthly pay and rations) made to officers within the time mentioned, whether the services, for which the payments were made, were rendered within that period, or previous to it. Our naval officers are frequently out of the country two or three years at a time, and, when in it, are sometimes so situated as to prevent them, without neglect of duty, from presenting their claims for adjustment with punctuality, and at definite periods.

Each settlement of their accounts, therefore, embraces not only their claims for the preceding year, but for the whole period since their last settlement; and, in giving an answer to this part of the resolution, it was found impossible to separate the one from the other, without an examination of every voucher, and restatement of every item of the accounts: a labor which could not be performed since the resolution was passed, and which was supposed not to be called for by it. This amount, therefore, will be understood to embrace all the claims and accounts settled and allowed within the last three years, preceding the first day of January last.

For the sums paid to each officer, and the objects for which they were paid, a general reference may be had to the reports annually made on the contingent expenses of the navy. There are about fifty officers in the marine corps, and nearly nine hundred in the navy. The amount stated contains the accounts of, and allowances to, almost all of this number.

None of the allowances are designed, nor do they operate, as additional pay to the officer for his time and services in his station; for these, the monthly pay and rations are the compensation prescribed by law; but they are intended to meet the expenses to which he is exposed, and the liabilities to which he is subjected in discharging the duties assigned him, and without which it would often be impossible to obey the orders he receives. This will be hereafter illustrated by some of the items in the accounts.

The average amount of traveling expenses, in each of the three years, paid to all the officers in the navy, appears to be $19,541, and to all the officers of the marine corps, appears to be $6,639. The principle by which this allowance is made is settled and uniform.

When any officer travels under the orders of the Department, or of his superior, on the business of the public, and not for his own convenience, he is allowed fifteen cents per mile.

This is never paid when engaged in private transactions, or changing his duties at his own request, and not for the benefit of the public. The sum allowed is the same for officers of all grades: is supposed to be about the average expense of traveling in this country; and is absolutely necessary to enable our officers to obey the orders given to them. They are appointed from all parts of the Union, and often obliged to travel great distances to join stations or vessels.

Such must always be the case with those from the western States. The duties to be performed, also, frequently require them to be transferred from one place to another. The expense of their journeys often equals the greater part, in some instances the whole, of their pay; and if they must themselves bear it, only those upon our seaboard, and the rich, who are able and willing to labor without compensation, can belong to the service.

It is both just to the individual, and beneficial to the public, that the allowance be made. For its safe and faithful expenditure, reliance must, in this case, as in others, be had, in the first instance, on the intelligence and integrity of those who give the orders, and, in the second, of those who settle the accounts; both of whom must pass upon them. The amount of $272,633.93, embraces all the sums paid to officers, exclusive of monthly pay and rations, traveling expenses, and expenses incident to courts-martial. It includes a great variety of items, and among others, the following: premiums and expenses for recruiting; chamber money and house rent; fuel and candles; commissions and clerk hire; store and office rent of navy agents and storekeepers; postage upon letters on public business; toll; sick quarters; purveying and care of medical stores; extra service in surveying, &c., &c. In every system of well organized public force, in all countries, most of these items form a part of the fundamental law creating it, and do not assume the character of allowances by Executive regulation, but enter into the general estimates for its support. It is the misfortune of the navy of the United States never to have received any organization by law, nor to have been favored by the legislature with a system into which they could be engrafted. They have, therefore, been left to temporary expedient and regulation, created from time to time as a necessity for them was felt. Under such circumstances, regularity and economy have been sought, and, as far as possible, effected. A few remarks on two or three of the items will explain their character and necessity.

Expense of recruiting.

A considerable portion of the amount is formed by this item. Rendezvous for recruiting must, from the nature of that business, be opened in those thickly settled parts of our cities, to which sailors are in the habit of resorting; and accommodations must be procured for the purpose. Officers of prudence and skill must be appointed to superintend them, and made responsible for the manner in which they discharge the duty and expend the money; and if they are imposed on as to the health or capacity of the recruit, or negligently permit him to desert, they must be subjected to loss. The annexed paper B, is a copy of regulations lately prepared to be added to and explain those previously existing on the subject, and will exhibit a part of the duty and liability of the recruiting officer, and, as the public afford him no accommodations of any description, his actual expenses are also great. Under these circumstances, and to urge on the enlistment, the commanding officer of the rendezvous has, heretofore, been allowed $4 for each recruit, and the inferior officer $1.50 per day, to pay his board and expenses. The bill reported at the last session proposes to reduce the allowance from $4 to $3.

Chamber money and house rent

Are allowed when an officer is ordered to perform a duty confining him to a particular place, and there is no vessel or building where he can eat or lodge—as when attached to and performing duty in a navy yard, or preparing his vessel for sea, and it is not in a situation for him to live on board, nor is there any other vessel or house, belonging to the public, for his accommodation. Compelled to obtain lodging and board, and often at very extravagant prices, his pay would be consumed by them, and, therefore, he is allowed either chamber money, at two dollars per week, if his duty be temporary, or house rent, at its usual rate at the place, if the duty be permanent. This expense, which is not small, will be, in a great degree, if not entirely avoided, when the necessary improvements are made in our yards.

Commissions on disbursements of public money.

It sometimes happens in the changes which occur upon our distant stations, by deaths and otherwise, and the necessities to which our squadrons are subjected, that our naval officers, whose general duty and office are altogether unconnected with the moneyed concerns of the Department, are obliged to negotiate and disburse money for the use of the officers, men and vessels under their command, in doing which they are liable to risks and losses. In such cases, upon the settlement of their accounts, a small per centage has been allowed on the moneys so negotiated and disbursed.

House rent, store rent, postage, fuel, clerk hire, stationery, &c., to navy agents and storekeepers.

It is doubted whether these items come strictly within the call made by the resolution; but, as the agents and storekeepers were officers attached to the Navy Department, and as these allowances are not the monthly pay and rations fixed by law, it was thought proper to add them. They are regulated by settled rules, and tend largely to swell the amount.

Per diem allowance on extra duty, such as surveying public property, proving cannon, surveying the coasts, harbors, &c.

This allowance is designed merely to meet the extra expense to which the officer is subjected; and the greater part of that which has arisen from the survey of the coast, &c., has been provided for by, and paid out of, the appropriations made by several laws passed upon the subject, and has not been taken from the appropriations for the navy; but, as the sums received by the officers were an allowance over the monthly pay and rations, it was necessary to add them to the others.

Purveying and care of medicines.

To ensure the economical purchase, safe keeping and proper disposition of medicines and medical stores, both for our ships and navy yards, it has been found necessary not to entrust the duty to each of the surgeons and mates attached to them, but from time to time to assign it to old and experienced surgeons, in addition to their ordinary duties, and to make a reasonable allowance for it. It is not doubted, however, that it may be performed more usefully and economically under the provisions of the bill reported at the last session.

There are other items, but it is not believed to be necessary to make any remark respecting them. They are all designed, not as additional pay to the officer, but to meet the extra expense and liability imposed on him, in obeying the orders which he receives, and without which he could not obey them, nor could the service be supported; are governed by fixed rules; and have most of them existed from the commencement of the navy, and had been confirmed and authorized by the annual appropriations. Some of them, it has been proposed by the Department, should be incorporated into permanent legal provisions, organizing the naval establishment.

This Department is not informed of any "emoluments received by the officers of the navy and marine corps, from the government, in consequence of their official stations," unless the allowance heretofore mentioned may be considered in that light. Nor is it perceived that they can, in any way, derive "emoluments from other sources," unless by means of the premium or compensation allowed to them by individuals for whom they carry silver, gold or jewels. Any other use of their official character, for private emolument, would be criminal, and, if known, subject them to punishment. It is not believed that an imputation of this offence can properly attach to them. By the 23d article of the "act for the better government of the navy of the United States," it is provided that "if any commander, or other officer, shall receive, or permit to be received, on board his vessel, any goods or merchandise, other than for the sole use of his vessel, except gold, silver, or jewels, and except the goods or merchandise of vessels that may be in distress, or shipwrecked, or in imminent danger of being shipwrecked, in order to preserve them for their owner, without orders from the President of the United States, or the Navy Department, he shall, on conviction thereof, be cashiered, and be incapacitated, forever afterwards, for any place or office in the navy." Under the authority of this provision, no emoluments could be derived from carrying anything but the excepted articles; these have always been carried when offered, and it could be done consistently with the faithful discharge of the duties in which the officer was engaged. His risk and responsibility, in the benefit he renders to the owner by carrying his property, is often great, and requires a corresponding compensation. This compensation is regulated in England by orders in council, authorized by statute. No law has yet been passed upon the subject in this country, and the Executive has not believed, since the passage of the law referred to, that it possessed the power, either to forbid the carrying of specie altogether, or to fix the compensation for doing it; but merely to see that the officer, while exercising his legal privilege, did not abuse his official character to purposes of fraud and oppression.

It has consequently been left to the discretion of the officer and the owner of the property, to make their own agreements about the premium for the freight, and these, not being official, have, heretofore, not been made known to this Department; and the sums received cannot, therefore, be stated. It has been thought proper, however, for reasons which will readily present themselves, to require that such a statement should be made upon the subject, as would enable the Department to be perfectly apprised of the conduct of those under its control, and the use they make "of their official stations" in transactions of this kind. An order was, therefore, prepared as a part of the instructions to Commodore Hull, when he took command in the Pacific ocean, a copy of which is hereunto annexed and marked C. The same order has been given to all officers who have been, since that time, in command of squadrons or separate vessels. If any evil have, heretofore, resulted from this provision of our law, it is hoped that a remedy will be found in this order, so far as it is within the power of this Department to apply the remedy. If it be deemed necessary to prescribe the premium, that power properly belongs to the legislature. There has yet been received but one report on the subject, and that does not furnish the precise information which is due in answer to a call from the Senate of the United States.

The paper A exhibits the expense of courts-martial in the navy, in each year in the last three years, with the amounts paid to judge advocates, and others, for their attendance and services. The paper D designates the places at which such courts-martial were ordered to be held, and the stations from which the officers composing the same were detailed to attend.

The number of officers subject to trial by courts-martial, is about 850; the average number of men in the navy is about 3,780.

Neither the expense, nor the number of courts, can be considered large; but it is confidently believed that both may, in future, be lessened, should Congress think proper to make certain provisions on the subject, which will be hereafter alluded to. The allowances to officers attending courts-martials, either as members or witnesses, are traveling expenses, and $1,50 per day, while attending the court; except to those upon the stations where the court is held, whose situation is such that they are not subjected to additional expense. In designating the number of members required by law, care is taken to select such as will create least expense, and whose character and condition, as to the accused, give the best security of justice to him and to the public.

By the reports on the contingent expenses of the navy, which have been referred to, it will be perceived that considerable sums have been paid, at different times, to judge advocates. This has arisen from the fact that there is no person attached to the service, whose legal acquirements and acquaintance with legal proceedings fit him for the discharge of all the duties of the office. The Department would illy perform its obligations, either to the public or the accused, by appointing one to perform them who was incompetent; and those who were qualified, could not be expected to neglect their regular and profitable employments for a temporary engagement, without full compensation.

Paper E exhibits the same information respecting courts-martial in the marine corps, as is exhibited by D, and respecting those in the navy.

Papers F and G exhibit the number of desertions from the marine corps and the number of rank and file confined by imprisonment as a punishment for desertion or misconduct, for each year, during the last three years.

In answer to that portion of the resolution which requires the Secretary of the Navy to report "his

opinion on such alterations or further provisions of law, as he may consider it expedient to be made, in order to promote a more perfect discipline of the navy and marine corps, to prevent the frequent recurrence of courts-martial, and ensure to the public service in the said establishments, the highest degree of economy and efficiency," the following remarks are respectfully submitted:

Discipline and the prevention of offences, economy and efficiency, in every military or naval establishment, must depend on its fundamental organization, the regulations connected with it, and their enforcement, and the intelligence and skill of the officers attached to it. There must be a regular and systematic organization, plain and simple rules, skillful and intelligent officers, or no labor, industry, or wisdom in the head which directs it, can produce the desired results to any very profitable extent. But, if these disadvantages exist, a failure to produce those results may well be the subject of censure. The military establishment of the United States is, at this moment, the best possible argument and illustration which can be made upon this point. The naval establishment of the United States may be said never to have had a legal organization. Temporary acts, authorizing specific matters relating to the building of vessels, and the numbers of one or two of our grades of officers, are to be abundantly found: but there is not in our whole code a law giving an organization, prescribing the number and grades of all our officers, number of our yards and stations, pay and emoluments of those who are attached to the service. It requires no labor of argument to show, that, in such a state of things, they who have had to direct, and those who have had to execute, have equally felt the want of fixed and uniform guides to their conduct. The first "alteration" or "provision of law," then, which appears to be necessary to effect the proposed objects, is a law organizing the navy establishment. What that law ought to be in the "opinion" of the Department, will be found in the report of the plan made during the last session of Congress. To that report, therefore, reference is now made. It is necessary only to add, that daily experience, since that time, has confirmed the views then presented. Should a law of that character be passed, it will be important immediately to prepare regulations depending upon, and adapted to it, for the discipline and management of every part of the service. To the formation of these regulations, the best intelligence, within the command of the Department, would, necessarily, be brought; and, being submitted to the wisdom of Congress, their adoption would free from uncertainty, and furnish fixed and safe rules as guides to all.

The Department is not aware of any alteration by law, beyond those specified, which would be necessary for the economical administration of the money concerns of the Department.

Those concerns are divided into two parts: that which relates to the purchase and care of "naval stores and materials, and the construction, armament, and equipment of vessels of war," which is managed by a board of commissioners, under the superintendence of the Secretary; the other, which relates to the pay and compensation of all persons in any way connected with the service, which is exclusively under the direction and control of the head of the Department. The latter, it is believed, has been, heretofore, economically administered; and, under the proposed organization and regulation, with the aid of the laws respecting the advance of public moneys, and the settlement of the public accounts, may be so conducted as to squander nothing, and to lose little.

The former has, heretofore, been managed by the board, in a manner deserving the highest commendation. Its contracts and expenditures have, in general, been judicious, cautious and economical. It was created in February, 1815. The law "concerning disbursements of public money," and forbidding advances, was passed in January, 1823. It has, therefore, existed almost ten years, during eight of which, advances were not forbidden; it has made contracts for, and superintended the expenditure of $15,500,000, and it is believed that nothing has yet been lost, and that not more than $15,000, if any, are in danger of being lost.

It is but just to add, that the members, confining themselves to their prescribed duties, have been found valuable auxiliaries, and that the improvement of our vessels, yards, and equipments, is proof that their skill and science are not inferior to their industry and economy.

The next "alteration," which seems to be called for, is the revision of the law "for the better government of the navy of the United States." It was passed in May, 1800, and has remained without amendment. It relates to offences and trials, punishments and rewards—subjects of great importance in every service. Offences which are the objects of punishment, ought to be plainly and precisely stated, that every one may understand what he is to avoid, and may certainly know when he is criminal; and that those who would bring accusations, may be sure that they do it justly. There is a great defect in the law upon this point; a defect which has been the cause of much inconvenience and relaxation of discipline. It is so extremely vague and indefinite, that it is often not easy to frame a charge, justified by its words, even against those who have acted most incorrectly, without a resort to some general expression, such as "unofficer-like" or "scandalous conduct," and joining to it a specification embracing the particular circumstances, which might as well be added to any other charge, or to no charge. It results that the accused and the court are both in doubt how to proceed; and the legality of what is done is questionable, even where there is hesitation that the accused has been guilty and merits rebuke. The effect may readily be imagined. Among men varying in habits, education, principles, and feelings, there are always some that must be coerced by plain law, rigidly enforced; some who regard the provisions of the law as the only restriction on the freedom of thought and action, which, as citizens, they are accustomed to enjoy. Where it is not clear and explicit, they perform acts, dangerous and reprehensible, which they do not perceive prohibited by positive enactment. Others are induced, by the same cause, to prefer charges for that which they suppose violates the spirit of the code. The former are tempted to irregular and improper conduct; the latter to arraign, without just cause, those who are obnoxious to them. The tribunal, too, which is called to pass upon accusations, is left, without a certain guide, to the exercise of an arbitrary discretion, and to the formation of decisions governed rather by extraneous causes, such as the character and standing of the parties, than a just estimate of the charges and the evidence. Guilt ceases to be the only, yet certain, ground of punishment. The weight of the sentence, whether of condemnation or acquittal, is proportionally diminished. Thus, in every way, does this want of precision and certainty in the law, tend to the multiplication of courts-martial, the destruction of discipline, and of the correspondent efficiency and economy. This law is equally unguarded as to the punishment, leaving everything to the discretion of the court, not only as to its extent, but also as to its nature. "At the discretion of a court-martial," and "death, or such other punishment as a court-martial shall adjudge," are its phraseology; and where the crime is not specified in the meagre list which is given, the punishment is to be "according to the laws and customs of such cases at sea." It is indeed

limited by no rule as to kind, and, in most cases, by no extent short of death. It should not remain in this condition. It should be military, and proportioned to the offence. We need not dwell upon the consequences to the accused, the public, and the court, from this cause. The law ought to be altered. The punishment should be ascertained in a proper scale, from private reprimands, through all the grades of public reprimands, suspension from duty, suspension without pay, suspension from rank and pay, dismission and death. But it is not enough that crimes and punishments be properly defined and limited. To the improved law must be added an improved administration of it.

No change is necessary in the organization of our courts. They are composed of the proper persons, and of the proper numbers, but they require aid in the discharge of their duties, which they do not now possess. Although in questions of sound and honorable feeling, they are safe, yet their education and habits are not those best adapted to all the judicial functions. Regularity, correct application of legal principles, even some technicality, is essential to correctness in their proceedings. They, more than ordinary judges, require well defined rules and systems of practice, and they have none such to which they can appeal.

A very small portion of the English system, based upon their statutes, can apply to courts acting under ours. It sometimes happens, that, relying upon British precedents, they are misled; at others fearing to trust them, they wander into error. And when situated as they thus are, we recollect the vital influence which their decisions have upon the fortunes, lives and fame, of so many gallant men, it is impossible not to feel that they ought to have, in their legal advisers, the judge advocates, men of learning, talent and discretion. Such it is always the object of the Department to procure for them; but such cannot always be obtained, and when they are, it is at great expense. They are drawn from other and profitable pursuits, and devote a temporary attention only to the subject. Hence, although much safer aids than less informed and weaker men, they are apt to differ from each other; and the consequence has been, that our courts-martial proceed by no settled rules; form irregular records; often err for want of light; make decisions utterly destructive of character, and of the public interests; and form precedents which serve only to bewilder and perplex those who come after them. Required, then, to give an "opinion" on a remedy for these evils, the Department would recommend, as one means, the appointment of a responsible officer, a judge advocate, whose duty it should be to form, under the direction of the Department, a proper system for the government of courts-martial; to prepare the cases and witnesses for trial; to attend when practicable; and always to examine and report to the Department on the records, and guard against unlawful proceedings and convictions. Many benefits would thereby be secured; there would be more certainty in our trials; the charges would be legal; the causes being properly prepared, there would be less delay; the rules for the proceedings being settled, there would be less error; records be uniform and accurate; economy be promoted, by shortening the terms of the courts, and avoiding the employment of temporary judge advocates; and justice be more surely administered. The same officer, if equal to the station, could perform the duties both for the army and the navy, and would produce results in both, which they only can estimate who have reflected seriously on the high importance of a steady, uniform, consistent and economical administration of criminal law in military and naval establishments, and the incalculably painful consequences which arise from erroneous decisions.

The recommendation, then, as to this law, has three objects: 1st. To define offences. 2d. To fix and apportion punishments. 3d. To provide safe rules for the trials, and a competent officer to aid in the administration of the criminal code. It is perhaps proper to remark, that in recommending the appointment of one judge advocate for the navy and the army, the Secretary of War concurs.

Two other amendments ought to be made in the law: 1. That the court be at least so far freed from the obligation of secrecy, as relates to the officer who constituted it, and who has to approve its sentence: a concealment from him of everything but what appears upon the record, often compels a decision in ignorance of facts most important to a right judgment upon the case; and naturally leaves the members of the court free from the responsibility which ought to attach to them, and which is the best security for correct decision.

2. Power should be given to the court to enforce the attendance of witnesses necessary either for the accusation or defence, and to take the depositions of those who could not attend; a power always essential to the safe administration of justice.

There is still another "alteration" which, in my "opinion," ought to be made, and which is even more important than those already mentioned, to promote discipline, efficiency and economy, and to prevent the recurrence of courts-martial in the service. The establishment of an academy, or providing, in some effectual mode for the instruction of the young officers. These are taken from the poor, who have not the means of a good education, as well as the rich, who have. They enter, from the nature of the duties, at so early an age, that they cannot be accomplished, nor even moderately accurate, scholars. They are constantly employed on ship board, or in our navy yards, where much advancement in learning cannot be expected. Their pay will afford them a support, but no means of literary improvement. The consequence necessarily is, and such is well known to be the fact, that very many advance in age, and rise in grade, much less cultivated and informed than their own reputation and that of the country require. For this evil there is but one remedy, and that is to be found in the wisdom and beneficence of the government, from which they receive their offices, and to whose honor and interest they are devoted. It is the formation of a school which shall combine literary with professional instruction; a competent portion of common learning, with a profound knowledge of everything connected with military science, seamanship and navigation; the theory with the practice of their profession. The considerations which urge respect for this recommendation, are connected with everything which the nation has to hope from its naval establishment. They may be glanced at, but cannot be suitably discussed in this report. The situation of our country; the nature of its territory and its coasts; the extent of its commerce; the character of its institutions, and its political connections—all point unerringly to that establishment as the security for its peace and its honor. It no longer remains a debatable question, whether we shall look to the navy as one of the means by which our interests are to be most cheaply and most securely protected. It has been settled by a course of events, which have carried the nation forward to a point where, on this subject, it has scarcely the liberty to choose. It has interests to protect, and duties to discharge, which it cannot, if it would, disregard.

The problem now to be solved by it is, in what mode our naval means may be commanded most surely, and with the least possible burthen, combining most efficiency with the smallest expense.

The answer is believed to be plain. By giving to our officers the greatest amount of science and

skill, by fitting all to command the vessels we may choose to build and the seamen we may be enabled to enlist. By these means, and these only, may we, in times of quiet, keep in employment, as small a number of vessels as our commerce may absolutely require; and yet, at the moment of trouble, swell it to the full extent which our protection may demand, and the number of our seamen will permit; the latter being the only limit which can be placed to our naval power. It is not, however, in this circumstance alone, that well instructed officers will induce economy: the better instructed and more intelligent an officer is, the more skillfully and precisely, and, of course, the more economically, will he perform the duties assigned him. Ignorance is always, skill never, prodigal. There is no business, profession, or occupation, in the circle of society, to which this principle applies with more energy than to our naval establishment. Discipline and efficiency also, necessarily, result from the same cause. Educated in such a school as it becomes the government to establish, moral principles are secured, good habits formed, subordination learned, honorable feelings encouraged and confirmed, skill acquired, science and discipline necessarily combined.

The illustration of these truths is before us in another branch of our national defence, to which the favor of the government has been extended: and the suggestion will be pardoned, that no sound argument can be urged in its favor, which does not receive additional force from the situation in which the navy is placed, and the interests and hopes which are connected with it.

Our future national conflicts are to rest principally on it, come when they may. It is, also, the bearer of our honor and our fame to every foreign shore. The American naval officer is, in fact, the representative of his country in every port to which he goes; and by him is that country, in a greater or less degree, estimated. With a well regulated national pride, this consideration alone should ensure him ample means of instruction and improvement.

A school, to be useful to the navy, must combine theory with practice. It must, therefore, be located where the attention may be directed to the construction, equipment, armament, and sailing of vessels. Governor's Island, in the harbor of New York, seems to be well fitted for all these objects. The buildings and improvements already upon it, with slight alterations and repairs, would, probably, be sufficient for present accommodation; and if the public interests would permit its transfer, for a time, from the War to the Navy Department, and an appropriation were made of $10,000, for the support of instructors, the school might be put into operation with very little delay, and its permanent location be hereafter determined.

I beg leave to refer to a report from this Department, dated 1st day of January, 1824, expressing an opinion of the propriety and necessity of augmenting the number of our sloops of war, as a means of increasing the efficiency and economy of the service; and to add, that the experience of the past year, has amply confirmed the reason there presented.

There are other alterations which are not suggested, as they are supposed to be within the powers of the Department. Some have been made within the last year, and others will hereafter receive attention.

Among the former, are, the general order which was issued respecting the arrest and trial of officers, a copy of which is annexed, and marked H; and a regulation by which any person, before he can receive an appointment as surgeon's mate, or, being a mate, be promoted to the rank of surgeon, must pass, successfully, a rigid examination, before a board of competent surgeons, both as to his moral character and his professional attainments, especially in all that relates to the duties of his particular office. The operation of these rules need not be explained; they have thus far been found most salutary.

The preceding remarks contain the "opinion" called for by the resolution, so far as respects the navy.

In relation to the marine corps, I have the honor to submit various papers marked 1 and 2, which contain the views presented by the commandant of the corps in reference to its numbers and organization. They furnish satisfactory evidence that an augmentation of it is required, and justice seems to demand that its organization, as to grade and number of officers, should correspond with its size. The same principles are applicable to it as have been urged in reference to the navy, and which apply to all military establishments.

An arrangement will be made with the War Department, by which the officers of this corps will hereafter be taken from the graduates at West Point.

I have the honor to be, sir, very respectfully, &c.,

SAM. L. SOUTHARD.

A.

TREASURY DEPARTMENT, *Fourth Auditor's Office, November* 26, 1824.

SIR: I have the honor to acknowledge the receipt of your letter of the 2d instant, enclosing an extract from a resolution passed by the Senate of the United States, on the 25th day of May last. In pursuance of said resolution, I now transmit you a statement showing the amount of traveling expenses paid to officers of the navy and marine; also other allowances paid to the same over the monthly pay and rations to which they are by law entitled; the expenses of courts-martial, including the amount paid to judge advocates and others for their attendance and services, in each year, from the 1st January, 1821, to the 31st December, 1823, inclusively.

I have the honor to be, very respectfully, sir, your obedient servant,

T. WATKINS.

The Hon. SAMUEL L. SOUTHARD, *Secretary of the Navy.*

Statement, in obedience to a resolution of the Senate of the United States, passed May 25 1824, *showing the amount of traveling expenses received by the officers of the navy and marine corps, and other allowances over the monthly pay and rations to which they are by law entitled; the expenses of courts-martial; and the amount paid to the judge advocates and others, for their attendance and services, in each year, for the years* 1821, 1822, *and* 1823, *per statements reported in this office from the* 1*st of January,* 1821, *to the* 31*st of December,* 1823, *inclusive.*

	Traveling expenses of the officers of the navy.	Expenses of courts-martial of the navy.	Traveling expenses of the officers of the marine corps.	Expenses of courts-martial of the marine corps.	Other allowances to officers of the navy.	Other allowances to officers of the marine corps.
1821.....	$14,262 11	$1,569 50	$1,975 73	$329 50	$93,922 22	$8,444 04
1822.....	26,124 66	5,303 47	10,959 68	1,955 24	96,622 59	25,172 68
1823.....	18,238 43	3,264 79	6,983 00	906 50	82,089 12	26,084 74
Total....	$58,625 20	$10,137 76	$19,918 41	$3,191 24	$272,633 93	$59,701 46

T. WATKINS.

TREASURY DEPARTMENT, *Fourth Auditor's Office, November* 26, 1824.

B.

Rules and regulations for the government of the recruiting service of the navy of the United States.

Recruiting establishments shall be made at Boston, New York, Philadelphia, and Baltimore, and, in the event of a great demand for seamen, at Norfolk.

At each of those places an officer of the rank of master commandant shall be stationed, assisted by a surgeon or surgeon's mate, belonging to the station, to attend the rendezvous, and a lieutenant and master's mate, or midshipman, to take charge of the men on board a receiving ship, which shall be furnished with a guard of marines. The men, while on board the receiving ship, shall be employed under the direction of the commanding naval officer of the station in making plats, gaskets, and other useful public works which shall not make it necessary for them to be put on shore, and every attention must be paid to their cleanliness and comfort.

The receiving ship shall be stationed some distance from the port, and made to answer the purposes of a guard vessel.

The officer engaged in the recruiting service is enjoined—

To use every exertion to procure as speedily as possible the number of men required;

To enter none but sound, healthy men;

To advance only such amount of pay as may be authorized from time to time;

To take good security in all cases of advance, except as hereinafter excepted;

To take receipts in duplicate for every payment made by him;

To obtain recruiting money from the purser or agent, as the case may be, under the authority of the captain or commanding officer;

To account weekly for the expenditure of all recruiting money to the purser or agent from whom it may have been received; and

To make weekly to this Department a report agreeably to form No. 1.

When a ship shall be in a port where a rendezvous may be opened, and there being no recruiting establishment at such place, the captain of such ship may select a suitable recruiting officer; but if the captain shall select for such service an improper officer, or neglect to cause such recruiting officer to account weekly, and any evil should, in either case, arise, the captain shall be held responsible.

When necessary to open rendezvous for a ship at any place other than that where she may be lying, the captain shall not be permitted to do so without the consent of this Department. His duty, in such case, is to apprise the Department of the necessity of opening such rendezvous, and, should he think proper, recommend the officer to be employed; and the Department, judging it expedient, will issue the necessary orders. Should the officer ordered on such service be sent to any place where there may not be a regular recruiting establishment, he shall make his requisitions on the commanding officer of the station, who will cause the necessary supplies to be furnished, and a weekly account of expenditures to be rendered; and when such rendezvous shall be closed, the vouchers shall be delivered to the purser of the ship to which the men shall belong; and his receipt and certificate that the vouchers are correct according to form No. 2 shall be transmitted, forthwith, by the recruiting officer to the accountant of the navy, to enable him to credit the amount of the advances, together with the allowance for recruiting in the officer's recruiting account on the books of his office.

The recruiting officer shall be allowed, in addition to his pay and rations, in lieu of all charges and expenses, the sum of *four dollars* for each man recruited and mustered on board the receiving ship, the transport, or the ship to which he may belong, but he shall never be allowed credit for sums lost by desertion before the delivery of the men on ship board. He is to take good security, and hold such security accountable, until the men shall be mustered on board the receiving ship, the transport, or the ship to which they may belong.

Should men desert from the receiving ship, or the transport, the officer having charge of them shall make oath as to the circumstances of their desertion, agreeably to form No. 3, which oath shall be forwarded to this Department, and an order issued, before the recruiting officer shall receive credit on the purser's books for the amount advanced; and if the officer having charge of such men, on board such receiving ship or transport, should not be able to prove, to the satisfaction of the commanding officer, whose certificate, agreeably to form No. 4, must be transmitted to this Department, that all due care and

precaution were taken by him to prevent such desertion, he shall be held accountable for the amount of money advanced to such deserters.

When men are first entered on board the ship to which they belong, the certificate of the commanding officer must be taken, agreeably to form No. 5, stating their number, grade, and condition; and if it shall on examination appear that any of them are infirm or unfit for the service, a survey shall be held on them by the surgeon and principal officers of the ship, and if reported by them as unfit for service, agreeably to form No. 6, they shall be sent on shore, and the recruiting officer shall lose the amount advanced to them, unless he shall produce the certificate of the surgeon or surgeon's mate attending the rendezvous, that such person or persons, so declared unfit for service, were at the time they were entered, sound and healthy; in which case such surgeon, or surgeon's mate, shall be held accountable.

The surgeon or surgeon's mate, appointed to attend the rendezvous, to examine persons offering to enter, is to reject those that may be decrepid, lame, blind, deaf, dumb, feeble, sickly, or diseased; and to give to the recruiting officer his certificate, agreeably to form No. 7, of such as may be sound and healthy.

The recruiting officer, at a regular station, shall be allowed one officer from each of the ships for which he may be recruiting; and such assistant officer, upon the certificate of the recruiting officer, shall be allowed *one dollar and fifty cents* per day for the time he may be employed at the recruiting station, and no longer. Such certificate must be countersigned by the commanding officer of the station, and upon such certificate, so countersigned, the purser of the ship, to which such assistant officer may belong, shall pay him accordingly, keeping the certificate and officer's receipt as his vouchers in the settlement of his account with this Department.

When men are to be transported from distant places, the recruiting officer must apply to the commanding officer of the station for the means, and, if necessary, for officers to take charge of them; and if the commanding officer should not have a public vessel at his disposal, it shall be his duty to direct the agent of the station to furnish private conveyance; the expense to be paid by the agent, and charged under the proper head of appropriation.

In no case shall a recruiting officer have more than *one thousand dollars* advanced him at any one time. When the advance received shall be accounted for, he may, on his requisition, countersigned by the commanding officer of the station, obtain a further supply from the agent of the station, if an officer of the rank of master commandant and employed at a regular recruiting establishment; and from the purser of the ship or station, if the recruiting officer be of an inferior grade.

While men are on board the receiving ship, they shall receive no supplies of clothing or other articles, from the purser of the station, but on the requisition of the recruiting officer, countersigned by the commanding officer of the station; nor shall such purser receive a credit for the same from the purser of the ship to which the men may belong, until the requisition, so countersigned, the men's receipt for the articles, and the account therefor, approved by the recruiting officer and the commanding officer of the station, shall be delivered to such ship's purser.

That seamen may be rescued, as far as is practicable, from the fangs of rapacious, unprincipled persons who, frequently taking advantage of their habits and unsuspicious character, swindle them of the whole amount advanced to them by the recruiting officer, and to the great prejudice of the seamen and the service generally, leave them in a naked and destitute condition at the time of their appearance on board, the recruiting officer is expressly enjoined not to deliver the advance to any other than the men enlisted, to use his utmost influence to induce all persons enlisting to repair on board the receiving ship, with their clothing, in which case he shall be authorized to make the customary advance, without taking security; and he is to pay particular attention to collecting and sending on board all clothing and other effects of seamen and others, entered for the service, and to take every means in his power to render the service as pleasing as possible.

B. W. CROWNINSHIELD.

Navy Department, *May* 16, 1815.

Form No. 1.

Return of money received by ———, *for the recruiting service at* ———, *and expended during the week ending this* —— *day of* ———, 18—.

	When received.	From whom received.	Amount received at each payment.		Amount received this week.	
			Dollars.	Cents.	Dollars.	Cents.
RECEIVED.		Whole amount received.				

Form No. 1—Continued.

	When paid.	Paid to.		Shipped for.	How disposed of.	Amount paid to each.		Whole amount paid this week.	
		Name.	Rate.			Dollars.	Cents.	Dollars.	Cents.
EXPENDED.									
Whole amount received									
Whole amount paid.....									
In my hands									

Recruiting Officer at ——.

FORM No. 2.

These are to certify, that ———, recruiting officer for the ———, has recruited —— petty officers, —— able seamen, —— ordinary seamen, and —— boys; that the said recruits, whose names are hereunto attached, are now ———; that the advances of money, and other articles made to the said recruits by the said ———, amount to ——dollars and —— cents; for which the accounts and vouchers have been delivered to me to be charged to the men respectively, and to be accounted for by me.

Given this —— day of ——, 18 —.

———, *Purser of* ——.

FORM No. 3.

These are to certify, that ———, shipped by ———, recruiting officer at ———, did on the —— day of ——, 18 —, desert from the ———; and that all the circumstances of his desertion, as I am at this time informed, are ————; that the said —— is, as I have been informed, by birth ——, aged —— years, or thereabouts, has —— hair, —— eyes, dark complexion, and is, in height, about —— feet, —— inches.

Given this —— day of ——, 18 —.

———, *Commanding Officer of* ———.

Sworn to this —— day of ——, in the year 18 —, before ——.

FORM No. 4.

These are to certify, that I have examined and inquired into the circumstances of the desertion of ———, from ———, entered by ———, at the rendezvous at ———, for ———; and the result has entirely satisfied my mind, that all due care and precaution was taken by——, to prevent such desertion.

Given this —— day of ——, 18 —.

———, *Commanding Officer at* ———.

FORM No. 5.

These are to certify, that —— petty officers, —— able seamen, —— ordinary seamen, and —— boys, recruited at the rendezvous at ———, by ———, were, this day, entered on board the ———, and that their general appearance ———.

Given this —— day of ——, 18 —.

———, *Commanding Officer at* ———.

FORM No. 6.

These are to certify, that we have examined ———, recruited by ———, at ———, for the ———, and find him infirm, and unfit for the service, having ———; and we do, therefore, declare it, as our opinion, that he should be turned on shore.

———, *Surgeon,*
———, *Lieutenant,*
———, *Lieut. or Master.*

FORM No. 7.

I hereby certify, that I have examined ———, who, this day, offered himself at the rendezvous at ———, to be entered as ——— for ———, by ———; and that the said ——— is sound and healthy.

Given under my hand, this —— day of ——, 18—.

———, *Surgeon of* ———.

[CIRCULAR.]

Serious inconveniences and loss having been sustained, by the enlistment of persons into the naval service, who are incompetent to the performance of their respective duties; it has become necessary that the following additional regulations be henceforward rigidly enforced:

1st. Recruiting officers are to use every exertion to procure, as expeditiously as possible, the number of men which may be required; but they are to enter none but sound, healthy men, and such as are qualified to perform the duties of the station for which they may be entered. They are to enter none but citizens of the United States, except by special orders from the Department.

Every person offering to enlist shall be carefully examined by a surgeon or surgeon's mate of the navy, or, if none such is attached to the station, by some competent physician, who shall certify to his being sound and healthy, before he shall be enlisted, or entitled to receive any advance of pay, or gratuity of any kind whatever, and the certificate signed by the surgeon, surgeon's mate, or physician as aforesaid, shall be countersigned by the recruiting officer, and forwarded with the person enlisted to the commander of the vessel to which he may be sent.

When practicable, some vessel will be designated to receive men entered for the navy, and stationed at or near the recruiting rendezvous, and the commander of said vessel shall take charge of and receipt for such men as may be sent him by the recruiting officer, which receipt shall exonerate thereafter the recruiting officer from any liability on account of the *desertion* of those persons mentioned in it. Within six days after the delivery by the recruiting officer of any men on board the receiving vessel, or, where none is provided, on board the vessel to which they may be assigned, it shall be the duty of the senior officer in command upon the station, upon the application of the recruiting officer or commander of the receiving vessel, to direct two medical and three commissioned sea officers, if there shall be so many upon the station, to examine carefully such recruits, as to their health, qualifications, and national character, and all such as they, or a majority of them, shall pronounce to be unfit for service, or enlisted contrary to the directions of the Department, shall forthwith be reported by them to the said senior officer in command upon the station, who shall forward one copy of the report of survey to the Secretary of the Navy, one to the Fourth Auditor of the Treasury, and one to the officer by whom the men may have been entered. If persons appointed by the commander of a station, as provided in the preceding section, shall be of opinion that the recruiting officer, surgeon, or surgeon's mate, whose duty it was to have examined the men at the time of their enlistment, might, with proper attention, have ascertained the unfitness for service, or other disqualification, of any person whom they may have found cause to reject, they shall in their certificate particularly state such opinion, and the person whom they may believe to have been guilty of the neglect, that any loss which shall be sustained by the improper enlistment may be charged to the person through whose neglect it was incurred.

No recruiting officer shall receive credit for any moneys advanced, unless he produce the receipt of the person to whom it was paid, the certificate of the purser of the vessel to which they may be sent, that their accounts have been received and charged, and the certificate of the officers of the survey ordered by the senior officers in command, as directed by these instructions, stating that no loss had been incurred through his neglect or misconduct in the enlistment of improper persons.

C.

Extract of a letter to Capt. Isaac Hull, dated —

DECEMBER 24, 1823.

Our national vessels ought not, and must not, be used for purposes of commercial adventure. You may receive on board specie and the articles permitted by the "act for the better government of the navy," belonging exclusively to our own citizens, and carry them from one port or place to another, when it does not, in any degree, interfere with your other duties, or violate the laws of the country where you are. You may also bring to the United States specie belonging to our own citizens, but you are in no case to permit anything in the shape or character of public advertisements to be used, for the purpose of giving information that you will carry them. So many complaints have been publicly made on this subject, that you will carefully abstain from everything which can give rise to unfriendly comments; and that the government may know the extent to which the commercial interests of our citizens are benefited by the assistance afforded by our public vessels on this point, and be prepared to answer any complaints on the subject which may be made by individuals or governments, you will, from time to time, make reports to this Department of all the specie and other articles you may carry, the places to and from which you carry them, and the circumstances, terms, and conditions, under which you do it.

D.

Exhibit, showing the number of naval courts-martial ordered by the Secretary of the Navy to assemble between the 25th of May, 1821, and 25th of May, 1824; the places at which such courts were held; the names of the officers composing the courts; and the stations from which each were detailed to attend.

Convention of the courts.		Names of the officers composing the courts.	Where each officer was ordered from.
When—	Where—		
June 7, 1821	Gosport, Va.,	Captain Jesse D. Elliott, president	Norfolk, Virginia.
		Master commandant Robert Henley, member	do
		do do Jesse Wilkinson, member	do
		do do Thomas Brown, member	do
		Lieutenant Wm. H. Watson, member	do
		do Wm. H. Cocke, member	do
		Albert Allmand, judge advocate	do
June 16, 1821	New York	Captain Joseph Bainbridge, president	New York.
		do Samuel Angus, member	do
		Master commandant J. B. Nicholson, member	do
		do do G. W. Rodgers, member	do
		do do B. V. Hoffman, member	do
		Lieutenant Daniel Turner, member	do
		do J. D. Sloat, member	do
		James A. Hamilton, judge advocate	do
July 11, 1821	Boston	Captain John Shaw, president	Boston.
		do Thomas Macdonough, member	do
		Master commandant John Porter, member	do
		do do W. B. Shubrick, member	do
		Lieutenant James Armstrong, member	do
		Wm. C. Alwyn, judge advocate	do
August 17, 1821	Charlestown, Mass.	Captain John Shaw, president	Charlestown, Massachusetts.
		Master commandant J. H. Elton, member	do
		do do W. B. Shubrick, member	do
		Lieutenant Nelson Webster, member	do
		do James Armstrong, member	do
		do T. W. Wyman, member	do
		do W. M. Caldwell, member	do
		Wm. C. Alwyn, judge advocate	do
August 24, 1821	New York	Captain Charles Stewart, president	New York.
		do Samuel Evans, member	do
		do Samuel Angus, member	do
		do Edward Trenchard, member	do
		Master commandant G. W. Rodgers, member	do
		do do George C. Reid, member	do
		do do J. B. Nicholson, member	do
		John S. Sickles, judge advocate	do
August 13, 1821	Gosport, Va	Captain L. Warrington, president	Gosport, Virginia.
		do W. M. Crane, member	do
		do J. D. Elliott, member	do
		Master commandant Robert Henley, member	do
		do do E. P. Kennedy, member	do
		do do J. Wilkinson, member	do
		Lieutenant W. H. Watson, member	do
		do W. H. Allen, member	do
		L. W. Tazewell, judge advocate	do
November 12, 1821.	New York	Captain Joseph Bainbridge, president	New York.
		do Samuel Angus, member	do
		do Edward Trenchard, member	do
		Master commandant J. B. Nicholson, member	do
		do do B. V. Hoffman, member	do
		Lieutenant Benjamin Cooper, member	do
		do M. P. Mix, member	do
		James A. Hamilton, judge advocate	do
December 5, 1821	New Orleans	Lieutenant Lawrence Kearney, president	New Orleans.
		do Robert Spedden, member	do
		do Charles E. Crowley, member	do
		Persifer F. Smith, judge advocate	do
January 16, 1821	Gosport, Va	Captain Wm. M. Crane, president	Gosport, Virginia.
		Master commandant S. Wilkinson, member	do
		Lieutenant W. H. Watson, member	do
		do W. H. Cocke, member	do
		do Samuel Henley, member	do
		do Joseph Cassin, member	do
		do Robert M. Rose, member	do
		do Beverly Kennon, member	do
		Albert Allmand, judge advocate	do

D.—*Exhibit*—Continued.

Convention of the courts.		Names of the officers composing the courts.	Where each officer was ordered from.
When—	Where—		
January 22, 1822..	New York.....	Captain Joseph Bainbridge, president	New York.
		do Samuel Angus, member.....	do
		do D. Trenchard, member	do
		Master commandant George W. Rodgers, member	do
		do do J. B. Nicholson, member.....	do
		do do B. V. Hoffman, member.....	do
		Lieutenant P. F. Voorhees, member.....	do
		James A. Hamilton, judge advocate.....	do
March 1, 1822.....	Philadelphia	Master commandant C. C. B. Thompson, president	Philadelphia.
		do do Charles W. Morgan, member	do
		Lieutenant John Gwinn, member.....	do
		do Benjamin Page, jr., member	do
		do John M. Dale, member	do
		George M. Dallas, judge advocate.....	do
March 2, 1822.....	Boston.....	Captain Thomas Tingey, president.....	Washington, D. C.
		do Charles Morris, member	Portsmouth, N. Hampshire.
		do Lewis Warrington, member	Gosport, Virginia.
		do Thomas Macdonough, member.....	Middletown, Connecticut.
		do Robert T. Spence, member	Baltimore.
		do John O. Creighton, member.....	Newport, Rhode Island.
		do John Downes, member.....	Boston.
		Wm. C. Alwyn, judge advocate.....	do
June 18, 1822.....	Norfolk, Va.....	Captain Wm. M. Crane, president.....	Norfolk, Virginia.
		do J. D. Elliott, member	do
		Master commandant E. P. Kennedy, member	do
		do do J. Wilkinson, member	do
		Lieutenant Wm. H. Cocke, member.....	do
		do Robert M. Rose, member.....	do
		do Beverly Kennon, member	do
		do J. P. Zantzinger, member	do
		do Thomas Crabb, member	do
		do Andrew Fitzhugh, member.....	do
		Albert Allmand, judge advocate	do
July 31, 1822.....	Boston.....	Captain John Rodgers, president	Washington, D. C.
		do Isaac Chauncey, member	do
		do Charles Morris, member	Portsmouth, N. Hampshire.
		George Sullivan, judge advocate	Boston.
December 7, 1822..	Norfolk, Va.....	Captain Wm. M. Crane, president	Norfolk, Virginia.
		do Jesse D. Elliott, member	do
		Master commandant R. Henley, member and judge advocate.	do
February 10, 1823.	New York.....	Captain Wm. Bainbridge, president	Boston.
		do Thomas Macdonough, member.....	Middletown, Connecticut.
		do Wm. M. Crane, member	Norfolk, Virginia.
		Henry Wheaton, judge advocate	New York.
April 14, 1823.....	Norfolk, Va.....	Captain J. D. Elliott, president	Norfolk, Virginia.
		Master commandant Robert Henley, member.....	do
		do do James Renshaw, member.....	do
		do do Sidney Smith, member.....	do
		do do Jesse Wilkinson, member.....	do
		Lieutenant Wm. L. Gordon, member	do
		do Joseph Smoot, member	do
		Walter F. Jones, judge advocate.....	do
May 24, 1823	New York.....	Captain Arthur Sinclair, president	do
		do L. Warrington, member	do
		do M. T. Woolsey, member.....	Sackett's Harbor, N. Y.
		do John O. Creighton, member	Newport, Rhode Island.
		do John Downes, member.....	Boston.
		do J. D. Henley, member	Havre de Grace, Maryland.
		C. D. Colden, judge advocate.....	New York.
May 31, 1823.....	Gosport, Va.....	Captain J. D. Elliott, president.....	Norfolk, Virginia.
		Master commandant W. B. Finch, member	do
		do do R. Henley, member.....	do
		Albert Allmand, judge advocate	do
August 4, 1823	Philadelphia	Master commandant G. C. Read, president.....	Philadelphia.
		do do J. J. Nicholson, member	do
		do do Wm. B. Finch, member	do
		Lieutenant Edward R. McCall, member	do
		do John Gwinn, member.	do
		do Charles Gauntt, member	do
		George M. Dallas, judge advocate.....	do
August 7, 1823	New York.....	Master commandant G. W. Rodgers, president.....	New York.
		do do J. B. Nicholson, member.....	do

D.—*Exhibit*—Continued.

Convention of the courts.		Names of the officers composing the courts.	Where each officer was ordered from.
When—	Where—		
August 7, 1823	New York.....	Master commandant B. V. Hoffman, member.....	New York.
September 4, 1823..	New York.....	Captain Samuel Angus, president.....	do
		do Edward Trenchard, member.....	do
		Master commandant G. W. Rodgers, member.....	do
		do do H. E. Ballard member	do
		do do J. B. Nicholson, member.....	do
		do do B. V. Hoffman, member.....	do
		Lieutenant J. H. Stevens, member	do
		James A. Hamilton, judge advocate	do
November 4, 1823..	Philadelphia	Captain C. G. Ridgely, president	Philadelphia.
		Master commandant Thomas Brown, member.....	do
		do do Geo. C. Read, member	do
		George M. Dallas, judge advocate	do
November 13, 1823.	New York.....	Captain Joseph Bainbridge, president	New York.
		do Saumel Angus, member	do
		do Edward Trenchard, member.....	do
		Master commandant G. W. Rodgers, member	do
		do do H. E. Ballard, member	do
		do do J. B. Nicholson, member.....	do
		do do B. V. Hoffman, member.....	do
		G. L. Thompson, judge advocate	do
December 30, 1823.	Washington, D. C...	Captain R. T. Spence, president.....	Baltimore.
		Master commandant A. S. Wadsworth, member.....	Washington, D. C.
		do do Alexander Claxton, member.....	Baltimore.
		B. L. Lear, judge advocate.....	Washington.
January 9, 1824...	Gosport, Va.....	Captain W. Bainbridge, president	Boston.
		do Thomas Macdonough, member.....	Middletown, Connecticut.
		do Lewis Warrington, member	Gosport, Virginia.
		do Charles G. Ridgely, member	Baltimore.
		do John D. Henley, member.....	Havre de Grace, Maryland.
		do Jesse D. Elliott, member	Norfolk, Virginia.
		Master commandant W. B. Finch, member	do
		do do George C. Read, member.....	Philadelphia.
		Lieutenant J. Gallagher, member	Norfolk.
		Walter F. Jones, judge advocate.....	do

E.

HEAD-QUARTERS OF THE MARINE CORPS, *Washington, December* 24, 1824.

SIR: I have the honor to transmit to the Department the details of the courts-martial for the last three years, viz: the places where the courts were held, the names of the members of the court, and the stations from whence these members were ordered.

I take occasion here to observe that the expenses of almost the whole of the courts held on non-commissioned officers and privates have been paid, by the sentences of the courts, out of the pay of such of the prisoners as were convicted. During that period but six courts have been held for the trial of commissioned officers; consequently the expenses incurred by their convention are all that have been paid by the government during the above period of three years, for courts-martial in the marine corps.

I remain, with great respect, your most obedient servant,

ARCHIBALD HENDERSON, *Lieut. Colonel Commanding.*

The Hon. SAMUEL L. SOUTHARD, *Secretary of the Navy.*

E.

The number of courts-martial in the United States marine corps, between the first of November, 1821, and the first of November, 1824; the stations where held; the time of convention; the officers who composed them, and where ordered from, as follows: Whole number sixty-five, of which six were for the trial of commissioned officers.

Numbers.	Convention of the courts.		Names of the officers composing the courts.	Where each officer was ordered from.
	When—	Where—		
1	November 2, 1821..	Head-quarters	First Lieutenant James Edelin, president	On this station.
			do Parke J. Howle, member	do
			Lieutenant George W. Walker, member	do
			do George D. Brewerton, member	do
			do Wm. A. Bloodgood, member.....	do
			Doctor Charles B. Hamilton, judge advocate	
2	November 26, 1821.	Charlestown, Mass..	Captain R. D. Wainwright, president	do
			Lieutenant Richard D. Green, member	do
			do Thomas J. English, member	do
			do Ward Marston, member	do
			do George Cooper, member	do
			J. H. Heileman, judge advocate	
3	November 26, 1824.	Head-quarters	Captain Alfred Grayson, president.....	do
			Lieutenant Parke G. Howle, member.....	do
			do Henry W. Gardner, member	do
			do George D. Brewerton, member	do
			do Wm. A. Bloodgood, member	do
			do E. I. Weed, judge advocate	do
4	December 11, 1821.	Head-quarters	Lieutenant James Edelin, president	do
			do Elijah I. Weed, member.....	do
			do George W. Walker, member	do
			do George D. Brewerton, member	do
			do Wm. A. Bloodgood, member	do
			Doctor Charles B. Hamilton, judge advocate.....	
5*	December 17, 1821.	Philadelphia	Major R. Smith, president	New York.
			Samuel Rush, Esq., judge advocate.....	
			Captain Samuel E. Watson, member	Portsmouth, N. H.
			First Lieutenant Wm. H. Freeman, member	Head-quarters.
			do Thomas A. Linton, member	New York.
			do James Edelin member.....	Head-quarters.
			do Elijah I. Weed, member	do
			do Henry W. Gardner, member	do
			Second Lieutenant A. N. Brevoorte, supernumerary....	On this station.
			do James M'Cawley, jr., supernumerary	do
6	January 4, 1822...	Head-quarters	Captain Alfred Grayson, president.....	do
			Lieutenant James Edelin, member.....	do
			do H. W. Gardner, member	do
			do James M. Clements, member	do
			do W. A. Bloodgood, member	do
			do Elijah I. Weed, judge advocate.....	do
7	January 30, 1822..	Head-quarters	do Elijah I. Weed, president	do
			do Henry W. Gardner, member.....	do
			do George W. Walker, member.	do
			do George G. Brewerton, member.....	do
			do W. A. Bloodgood, member.....	do
			Doctor Charles B. Hamilton, judge advocate.....	do
8	February 9, 1822 ..	Philadelphia	Major John M. Gamble, president.....	do
			Lieutenant Charles R. Broom, member.....	do
			do James M'Cawley, jr., member	do
			do A. N. Brevoorte, member.....	do
			do Stephen M. Rogers, member.....	do
			Samuel Rush, Esq., judge advocate	
9	March 14, 1822....	Head-quarters	Lieutenant Thomas A. Linton, president.....	do
			do James Edelin, member	do
			do Henry W. Gardner, member	do
			do George D. Brewerton, member	do
			do Stephen Rogers, member	do
			Doctor Charles B. Hamilton, judge advocate	
10	April 25, 1822.....	Head-quarters	Lieutenant Thomas A. Linton, president.....	do
			do James Edelin, member.....	do
			do George W. Walker, member	do
			do Samuel I. Coejemans, member	do
			do Wm. A. Bloodgood, member.....	do
			Doctor Charles B. Hamilton, judge advocate.....	

* This court was ordered for the trial of a commissioned officer, and such other prisoners as might be brought before it.

E.—Continued.

Numbers.	Convention of the courts. When—	Where—	Names of the officers composing the courts.	Where each officer was ordered from.
11	May 1, 1822.....	Philadelphia.....	Major John M. Gamble, president.....	On this station.
			Lieutenant George D. Brewerton, member	do
			do James M'Cawley, jr., member	do
			do A. N. Brevoorte, member.....	do
			do Stephen Rogers, member.....	do
			Samuel Rush, Esq., judge advocate	
12	May 2, 1822.....	New York	Major Richard Smith, president.....	do
			Captain Alfred Grayson, member.....	Head-quarters.
			Lieutenant Levi Twiggs, member	On this station.
			do A. A. Nicholson, member.....	do
			do Benj. Macomber, member	do
			James A. Hamilton, Esq., judge advocate	
13	May 16, 1822.....	Head-quarters	Major Samuel Miller, president	do
			Lieutenant James Edelin, member.....	do
			do Henry W. Gardner, member	do
			do George W. Walker, member	do
			do Samuel I. Cocjemans, member	do
			Doctor Charles B. Hamilton, judge advocate.....	
14	May 29, 1822.....	Philadelphia	Major J. M. Gamble, president	do
			Lieutenant George D. Brewerton, member	do
			do James M'Cawley, jr., member	do
			do A. N. Brevoorte, member.....	do
			do Stephen M. Rogers, member	do
			Samuel Rush, Esq., judge advocate	
15	June 5, 1822	Head-quarters	Lieutenant Thomas A. Linton, president.....	do
			do Elijah I. Weed, member.....	do
			do H. W. Gardner, member.....	do
			do Samuel J. Cocjemans, member.....	do
			do Alvin Edson, member.....	do
			Doctor C. B. Hamilton, judge advocate	
16	June 29, 1822.....	New York	Major Richard Smith, president	do
			Lieutenant Levi Twiggs, member.....	do
			do Augustus A. Nicholson, member	do
			do Benjamin Macomber, member.....	do
			do Richard Douglass, member	do
			J. W. Patterson, Esq., judge advocate.....	
17	August 12, 1822 ...	Head-quarters	Captain Alfred Grayson, president.....	do
			Lieutenant James Edelin, member.....	do
			do J. G. Williams, member	do
			do Alvin Edson, member	do
			do Horatio N. Crabb, member.....	do
			Lieutenant Thomas A. Linton, judge advocate.....	
18*	August 20, 1822 ...	Erie, Pennsylvania .	Brevet Major Samuel Miller, president.....	Head-quarters.
			Captain Samuel E. Watson, member	Portsmouth, N. H.
			Lieutenant Charles R. Broom, member	Baltimore.
			do Elijah J. Weed, member	Navy yard, D. C.
			do Wm. W. Dulany, member	Head-quarters.
			do Charles C. Tupper, supernumerary.....	On this station.
			Joseph C. Hall, judge advocate.....	Head-quarters.
19	October 7, 1822....	Philadelphia	Major John M. Gamble, president.....	On this station.
			Lieutenant George D. Brewerton, member	do
			do James M'Cawley, jr., member	do
			do Abraham M. Brevoorte, member	do
			do Stephen M. Rogers, member.....	do
			Richard Rush, Esq., judge advocate.....	
20	October 7, 1822....	New York.....	Major Richard Smith, president.....	do
			Lieutenant Levi Twiggs, member	do
			do Ward Marston, member	do
			do Benj. Macomber, member	do
			do Richard Douglass, member	do
			John W. Patterson, Esq., judge advocate.....	
21	November 7, 1822..	Charlestown, Mass..	Captain R. D. Wainwright, president	do
			Lieutenant Thomas S. English, member.....	Portsmouth, N. H.
			do George Cooper, member.....	On this station.
			do Charles F. Spering, member	do
			do Alvin Edson, member	do
			John A. Kearney, acting judge advocate.....	do
	November 26, 1822.	Head-quarters	Lieutenant Thomas A. Linton, president.....	do
			do Wm. W. Dulany, member	do

This court was ordered for the trial of a commissioned officer, and such other prisoners as might be brought before it.

E.—Continued.

Numbers.	Convention of the courts.		Names of the officers composing the courts.	Where each officer was ordered from.
	When—	Where—		
22	November 26, 1822	Head-quarters	Lieutenant Geo. W. Walker, member	On this station.
			do J. G. Williams, member.....	do
			do H. N. Crabb, member.....	do
			Joseph C. Hall, judge advocate	do
23	December 7, 1822..	Head-quarters	Lieutenant Thomas A. Linton, president.....	do
			do Wm. W. Dulany, member.....	do
			do Geo. W. Walker, member	do
			do H. N. Crabb, member.....	do
			do John Lowry, member.....	do
			Joseph C. Hall, judge advocate.....	do
24	December 23, 1822.	New York	Major Richard Smith, president.....	do
			Lieutenant Augustus C. Nicholson, member	do
			do Benjamin Macomber, member.....	do
			do Stephen M. Rogers, member	do
			do Marcellus M. Little, member	do
			Henry W. Ducachet, judge advocate	
25	January 14, 1823...	Head-quarters	Lieutenant Charles R. Brown, president	do
			do Thomas A. Linton, member.....	do
			do James Edelin, member.....	do
			do Parke G. Howle, member.....	do
			do Henry W. Gardner, member	do
			do Job G. Williams, member	do
			do Joseph C. Hall, judge advocate.....	do
			do James M'Cawley	Was on his return to his station, at Philadelphia: having delivered a detachment of men at Norfolk.
26	February 20, 1823.	Philadelphia	Major John M. Gamble, president	On this station.
			Lieutenant George D. Brewerton, member	do
			do Augustus A. Nicholson, member.....	do
			do James M'Cawley, member	do
			do John Lowry, member.....	do
			Samuel Rush, Esq., judge advocate	
27	April 2, 1823.....	Charlestown, Mass..	Captain R. D. Wainwright, president.....	do
			Lieutenant Thomas S. English, member.....	Portsmouth, N. H.
			do George Cooper, member.....	On this station.
			do Charles F. Spering, member.....	do
			do Alvin Edson, member	do
			John A. Kearney, Esq., judge advocate.....	
28	March 24, 1823....	New York.....	Major Richard Smith, president.....	do
			Lieutenant Levi Twiggs, member.....	do
			do George D. Brewerton, member	Philadelphia.
			do Benjamin Macomber, member.....	On this station.
			do Marcellus M. Little, member.....	do
			Samuel L. Gouverneur, Esq., judge advocate	
29	March 21, 1823....	Head-quarters.....	Lieutenant Charles R. Broom, president	do
			do Thomas A. Linton, member.....	do
			do Parke G. Howle, member.....	do
			do Henry W. Gardner, member	do
			do Job G. Williams, member.....	do
			do Joseph C. Hall, judge advocate.....	
30	April 23, 1823.....	New York.....	Major Richard Smith, president.....	do
			Lieutenant Levi Twiggs, member.....	do
			do Benjamin Macomber, member	do
			do Marcellus M. Little, member.....	do
			do Joseph L. C. Hardy, member.....	do
			Samuel L. Gouverneur, Esq., judge advocate.....	
31	May 27, 1823.....	Charlestown, Mass..	Brevet Major R. D. Wainwright, president	do
			Lieutenant C. C. Floyd, member	do
			do George Cooper, member.....	do
			do Charles F. Spering, member.	do
			do Alvin Edson, member.....	do
			Franklin Dexter, Esq., judge advocate.....	
32	May 26, 1823.....	Navy yard, D. C....	Lieutenant Thomas A. Linton, president.....	Head-quarters.
			do James Edelin, member.....	do
			do Wm. W. Dulany, member.....	do
			do Job G. Williams, member.....	do
			do Henry B. Tyler, member.....	do
			do Joseph C. Hall, judge advocate.....	do
33	June 11, 1823	New York.....	Brevet Major R. Smith, president	On this station.

E.—Continued.

Numbers.	Convention of the courts.		Names of the officers composing the courts.	Where each officer was ordered from.
	When—	Where—		
33	June 11, 1823.....	New York.....	Lieutenant Levi Twiggs, member	On this station.
			do Benjamin Macomber, member	do
			do Marcellus M. Little, member.....	do
			do Joseph L. C. Hardy, member	do
			Samuel L. Gouverneur, Esq., judge advocate.....	
34	August 5, 1823....	New York.....	Brevet Major Richard Smith, president.....	do
			Lieutenant Levi Twiggs, member	do
			do Benjamin Macomber, member.....	do
			do Marcellus M. Little, member.....	do
			do George F. Lindsay, member.....	do
			Samuel L. Gouverneur, judge advocate.....	
35	August 5, 1823....	New York.....	Brevet Major J. M. Gamble, president.....	do
			Lieutenant George D. Brewerton, member	do
			do Augustus A. Nicholson, member.....	do
			do James M'Cawley, member.....	do
			do John Lowry, member.....	do
			Samuel Rush, Esq., judge advocate	
36	August 20, 1823...	Charlestown, Mass..	Major R. D. Wainwright, president.....	do
			Lieutenant Thomas S. English, member.....	Portsmouth, N. H.
			do George Cooper, member.....	On this station.
			do Charles F. Spering, member.....	do
			do John Lowry, member.....	Philadelphia.
			Wm. C. Alvin, Esq., judge advocate	
37	August 2, 1823....	Head-quarters.....	Lieutenant Thomas A. Linton, president.....	On this station.
			do Wm. W. Dulany, member	do
			do Samuel S. Coejemans, member	do
			do Job G. Williams, member.....	do
			do Henry B. Tyler, member	do
			Dr. John A. Kearney, judge advocate	
38	September 8, 1823.	New York.....	Major Richard Smith, president.....	do
			Lieutenant Levi Twiggs, member	do
			do Benjamin Macomber, member.....	do
			do Marcellus M. Little, member.....	do
			do Joseph L. C. Hardy, member	do
			Samuel L. Gouverneur, Esq., judge advocate.....	
39	September 3, 1823.	Head-quarters.....	Lieutenant Thomas A. Linton, president.....	do
			do Wm. W. Dulany, member.....	do
			do Samuel S. Coejemans, member	do
			do Henry B. Tyler, member.....	do
			do Job G. Williams, member.....	do
			Henry M. Morfit, judge advocate.....	
40	October 4, 1823....	Head-quarters.....	Lieutenant Thomas A. Linton, president.....	do
			do James Edelin, member	do
			do Parke G. Howle, member.....	do
			do Wm. W. Dulany, member	do
			do Wm. A. Randolph, member.....	do
			Henry M. Morfit, Esq., judge advocate.....	
41	November 12, 1823.	New York.....	Major Richard Smith, president.....	do
			Lieutenant Levi Twiggs, member	do
			do Samuel S. Coejemans, member	do
			do Joseph L. C. Hardy, member.....	do
			do George F. Lindsay, member.....	do
			Samuel L. Gouverneur, Esq., judge advocate.....	
42	November 24, 1823.	Charlestown, Mass..	Major R. D. Wainwright, president	do
			Captain Samuel E. Watson, member.....	Portsmouth, N. H.
			Lieutenant Thomas S. English, member	do
			do Charles F. Spering, member	On this station.
			do Alvin Edson, member	do
			John A. Kearney, Esq., judge advocate	
43	December 15, 1823.	Philadelphia	Major J. M. Gamble, president	do
			Lieutenant Joseph C. Hall, member.....	Head-quarters.
			do James M'Cawley, member.....	On this station.
			do Job G. Williams, member.....	do
			do Horatio N. Crabb, member.....	do
			Samuel Rush, Esq., judge advocate	
44	December 20, 1823.	Gosport, Va.....	Captain Wm. Anderson, president.....	do
			do Wm. H. Freeman, member.....	Head-quarters.
			Lieutenant Benjamin Richardson, member	On this station.
			do George W. Walker, member.....	Head-quarters.
			do Richard Douglass, member.....	On this station.
			do Thomas B. Barton, supernumerary	do

E.—Continued.

Numbers.	Convention of the courts. When—	Where—	Names of the officers composing the courts.	Where each officer was ordered from.
44	December 20, 1823.	Gosport, Va.....	Walter F. Jones, Esq., judge advocate.....	
45	December 30, 1823.	Philadelphia	Major J. M. Gamble, president	On this station.
			Lieutenant Joseph C. Hall, member.....	Head-quarters.
			do James M'Cawley, member	On this station.
			do Job G. Williams, member.....	do
			do Horatio N. Crabb, member.....	do
			Samuel Rush, Esq., judge advocate	
46	January 2, 1824...	Charlestown, Mass..	Major R. D. Wainwright, president	do
			Captain S. E. Watson, member	Portsmouth, N. H.
			Lieutenant Thomas S. English, member.....	do
			do Charles F. Spering, member.....	On this station.
			do Alvin Edson, member	do
			Charles F. Waldo, judge advocate.....	
47	January 7, 1824...	New York.....	Major Richard Smith, president.....	do
			Lieutenant Levi Twiggs, member.....	do
			do Marcellus M. Little, member.....	do
			do Joseph L. C. Hardy, member.....	do
			do George F. Lindsay, member	do
			Samuel L. Gouverneur, Esq., judge advocate.....	
48*	February 6, 1824..	New York.....	Major Richard Smith, president.....	do
			do John M. Gamble, member.....	Philadelphia.
			Lieutenant Wm. A. Bloodgood, member	On this station.
			do Joseph L. C. Hardy, member.....	do
			do George F. Lindsay, member	do
			William Van Hook, Esq., judge advocate	
49	February 18, 1824.	Head-quarters.....	Lieutenant Charles Broom, president	Navy yard, D. C.
			do Joseph C. Hall, member	On this station.
			do Henry W. Gardner, member.....	do
			do Henry B. Tyler, member	do
			do Wm. T. Bourne, member.....	do
			Henry M. Morfit, judge advocate.....	
50	March 22, 1824....	Head-quarters.....	Lieutenant C. R. Broom, president.....	Navy yard, D. C.
			do Joseph C. Hall, member.....	On this station.
			do Henry W. Gardner, member.....	do
			do Wm. A. Bloodgood, member	do
			do Henry B. Tyler, member	do
			Henry M. Morfit, judge advocate.....	
51	April 12, 1824.....	Philadelphia	Brevet Major J. M. Gamble, president.....	do
			Lieutenant Augustus A. Nicholson, member.....	do
			do Richard Douglas, member.....	do
			do Job G. Williams, member.....	do
			do Horatio N. Crabb, member.....	do
			Samuel Rush, Esq., judge advocate.....	
52	May 4, 1824.....	Charlestown, Mass..	Captain C. R. Broom, president.....	Navy yard, D. C.
			Lieutenant Joseph C. Hall, member.....	On this station.
			do Henry W. Gardner, member	do
			do W. A. Bloodgood, member.....	do
			do Henry B. Tyler, member	do
			Henry M. Morfit, judge advocate.....	
53	June 17, 1824.....	Head-quarters.....	Major R. D. Wainwright, president	do
			Captain William H. Freeman, member.....	do
			Lieutenant R. T. Auchmuty, member	do
			do Ward Marston, member.....	do
			do Alvin Edson, member	do
			Charles F. Waldo, judge advocate.....	
54	June 11, 1822	Head-quarters.....	Captain C. R. Broom, president.....	Navy yard, D. C.
			Lieutenant Parke G. Howle, member.....	On this station.
			do Joseph C. Hall, member.....	do
			do Henry W. Gardner, member	do
			do Henry B. Tyler, member.....	do
			Henry M. Morfit, judge advocate.....	
55*	July 16, 1822.....	Philadelphia	Brevet Major R. Smith, president	New York.
			do J. M. Gamble, member.....	On this station.
			Lieutenant Levi Twiggs, member.....	do
			do Job G. Williams, member.....	do
			do Horatio N. Crabb, member.....	do
			do Marcellus M. Little, supernumerary	do
			Samuel Rush, Esq., judge advocate	

* This court was ordered for the trial of a commissioned officer, and such other prisoners as might be brought before it.

E.—Continued.

Numbers.	Convention of the courts. When—	Where—	Names of the officers composing the courts.	Where each officer was ordered from.
56*	July, 1824.....	Charlestown, Mass..	Captain Samuel E. Watson, president	Portsmouth, N. H.
			do Wm. H. Freeman, member	On this station.
			Lieutenant E. J. Weed, member.....	Head-quarters.
			do Thomas S. English, member.....	Portsmouth, N. H.
			do George W. Walker, member.....	New York.
			do Ward Marston, supernumerary	On this station.
			do ——— ———, judge advocate.....	
57	August 9, 1824....	New York.....	Major Richard Smith, president.....	do
			Lieutenant Henry B. Tyler, member	do
			do Joseph L. C. Hardy, member	do
			do George F. Lindsay, member.....	do
			do John G. Reynolds, member	do
			Samuel L. Gouverneur, Esq., judge advocate.....	
58	July 30, 1824.....	Head-quarters.....	Captain C. R. Broom, president.....	Navy yard, D. C.
			Lieutenant Joseph C. Hall, member.....	On this station.
			do Henry W. Gardner, member.....	do
			do Marcellus M. Little, member.....	do
			do Landon N. Carter, member.....	do
			Henry M. Morfit, Esq., judge advocate.	
59	August 4, 1824....	Head-quarters.....	Captain C. R. Broom, president.....	Navy yard, D. C.
			Lieutenant Joseph C. Hall, member.....	On this station.
			do Henry W. Gardner, member	do
			do Marcellus M. Little, member.....	do
			do Landon N. Carter, member.....	do
			Henry M. Morfit, judge advocate.....	
60	August 9, 1824....	Philadelphia	Major J. Gamble, president.....	do
			Lieutenant Levi Twiggs, member	do
			do A. A. Nicholson, member.....	do
			do Job G. Williams, member.....	do
			do Horatio N. Crabb, member.....	do
			Samuel Rush, Esq., judge advocate	
61	August 11, 1824...	Head-quarters.....	Captain C. R. Broom, president.....	Navy yard, D. C.
			Lieutenant Joseph C. Hall, member.....	On this station.
			do Henry W. Gardner, member	do
			do Marcellus M. Little, member.....	do
			do Landon N. Carter, member	do
			Henry M. Morfit, Esq., judge advocate	
62	August 24, 1824...	Head-quarters.....	Captain C. R. Broom, president.....	Navy yard, D. C.
			Lieutenant Joseph C. Hall, member	On this station.
			do Henry W. Gardner, member.....	do
			do Marcellus M. Little, member	do
			do Landon N. Carter, member.....	do
			Henry M. Morfit, judge advocate.....	
63	September 22, 1824	Head-quarters.....	Captain C. R. Broom, president.....	Navy yard, D. C.
			Lieutenant Parke G. Howle, member.....	On this station.
			do Joseph C. Hall, member.....	do
			do Marcellus M. Little, member.....	do
			do Henry W. Fowler, member.....	do
			Henry M. Morfit, judge advocate.....	
64	October 4, 1824....	New York.....	Major Richard Smith, president.....	do
			Lieutenant George W. Walker, member.....	do
			do Charles C. Floyd, member	do
			do Joseph L. C. Hardy, member	do
			do George F. Lindsay, member.....	
			William Van Hook, Esq., judge advocate	

On the 3d of January, 1822, a general court-martial, composed of the officers of the marine corps and army, assembled at the Marine barracks, Washington city, by order of the President of the United States, for the trial of two marine officers.

PARKE G. HOWLE, *Adjutant and Inspector.*

HEAD-QUARTERS OF THE MARINE CORPS,
Adjutant and Inspector's Office, Washington, December 24, 1824.

* The proceedings of the court are at the Navy Department. It was ordered for the trial of a commissioned officer, and such other prisoners as might come before it.

F.

Register of desertions from the United States marine corps, between the 1st of November, 1821, and the 31st of October, 1824; also, the number taken; likewise the number tried for desertion, and the sentences of the court. Number of desertions six hundred and ninety-six. Number of individuals who produced that number of desertions, six hundred and seven. Number taken from desertion, two hundred and sixty-five. Number tried, one hundred and fifty-one.

Number.	Names.	Rank.	Date of enlistment.	Deserted.		Number of times each man has deserted.	Taken.		Tried by court-martial.	
				When—	Where from—		When—	Where—	When—	Where—
1	Antracan, James	Private	March 22, 1819	November 6, 1821	Boston	1	November 15, 1821	New York		
2	Appal, Philip	do	January 11, 1822	March 30, 1822	Philadelphia	1				
3	Ayres, Joel T.	do	March 17, 1821	March 20, 1822	Brig Spark	1				
4	Adams, Benjamin	do	November 7, 1821	June 9, 1822	Philadelphia	1	December 4, 1822	New York	December 23, 1822	New York.
5	Armstead, Daniel	do	May 7, 1822	June 18, 1822	New York	1				
6	Austin, Jacob	do	April 20, 1822	September 16, 1822	Philadelphia	1				
7	Atwood, Luke	do	September 3, 1822	November 19, 1822	Boston	1				
8	Adams, Benjamin	do	November 7, 1821	March 20, 1823	New York	2				
9	Allison, James	do	June 26, 1821	April 20, 1823	New York	1				
10	Amos, William	do	April 25, 1823	May 30, 1823	Philadelphia	1				
11	Armstrong, Survanon	do	April 15, 1823	May 24, 1823	New York	1				
12	Adams, John	do	February 21, 1823	June 24, 1823	Boston	1	September 19, 1823	Head-quarters	October 4, 1823	Head-quarters.
13	Adams, Charles H.	do	March 27, 1823	June 1, 1823	Philadelphia	1	October 21, 1824	New York		
14	Anderson, William	do	July 5, 1823	July 27, 1823	Head-quarters	1				
15	Allison, Joseph	do	June 26, 1823	August 29, 1823	New York	1				
16	Allen, George	do	May 16, 1823	August 22, 1823	New York	1				
17	Allen, Stephen	do	August 27, 1823	September 10, 1823	Philadelphia	1				
18	Austin, Edward	Sergeant	June 28, 1823	December 2, 1823	Norfolk	1	December 3, 1823	Norfolk	December 20, 1823	Norfolk, Virginia.
19	Aylesworth, Anthony	Private	August 19, 1820	June 16, 1824	New York	1				
20	Alby, Seth B.	do	March 26, 1823	July 11, 1823	Philadelphia	1	July, 1823	Philadelphia	August 5, 1823	Philadelphia.
21	Adams, John	Drummer	August 8, 1823	July 26, 1824	Philadelphia	1	July 29, 1824	New York	August 9, 1824	New York.
22	Abbot, Jonas	Private	January 9, 1821	August 12, 1824	New York	1	August 26, 1824	Boston		
23	Adams, John	do	August 7, 1823	September 23, 1824	New York	1				
24	Argayle, John	do	July 24, 1821	October 9, 1824	New York	1				
25	Avery, Alexander	do	April 6, 1821	October 13, 1824	Portsmouth, N. H.	1	October, 1824	Portland, and in confinement at Fort Preble		
26	Buck, Joseph	do	August 6, 1823	September 22, 1824	New York	1				
27	Bryan, William	do	August 15, 1823	September 22, 1824	New York	1				
28	Beverlin, William	Drummer	June 26, 1820	December 5, 1821	New York	1	December 8, 1821	Philadelphia	December 17, 1821	Philadelphia.
29	Boshart, George	Sergeant	December 9, 1821	December 23, 1821	New York	1	February 12, 1822	Head-quarters		
30	Burns, Martin	Private	May 28, 1821	January 29, 1822	Head-quarters	1	August 23, 1822	Philadelphia	October 7, 1822	Philadelphia.
31	Blake, Charles	do	August 17, 1821	January, 18, 1822	Philadelphia	1				

F.—*Register of desertions from the United States marine corps*—Continued.

Number.	Names.	Rank.	Date of enlistment.	Deserted.		Number of times each man has deserted.	Taken.		Tried by court-martial.	
				When—	Where from—		When—	Where—	When—	Where—
32	Bradley, James	Private	August 4, 1821	February 15, 1822	Head-quarters					
33	Brown, James	do	September 26, 1821	March 8, 1822	New York	1	May 15, 1822	Philadelphia	May 29, 1822	Philadelphia.
34	Billings, Ensley	do	January 27, 1822	June 3, 1822	Head-quarters	1				
35	Brenin, Mathew	do	April 6, 1822	May 1, 1822	Philadelphia	1				
36	Beauchamp, Monis	do	August 27, 1817	June 10, 1822	Philadelphia	1	June 25, 1822	Head-quarters		
37	Bailey, William	do	December 5, 1820	June 8, 1822	Norfolk, Va	1				
38	Brown, John	do	November 14, 1821	June 6, 1822	Norfolk, Va					
39	Brady, John	do	May 28, 1822	July 27, 1822	Philadelphia	1				
40	Baker, Samuel	do	June 19, 1813	July 16, 1822	Philadelphia	1				
41	Borneman, Charles	do	February 4, 1822	July 19, 1822	New York	1				
42	Brown, Daniel	do	May 23, 1822	July 26, 1822	New York	1				
43	Bush, William	do	June 22, 1822	July 9, 1822	New York	1				
44	Britton, Thomas	do	May 18, 1822	September 23, 1822	Boston, Mass.	1				
45	Burns, Martin	do	May 28, 1821	October 23, 1822	New York	2				
46	Blake, Charles	do	August 17, 1821	November 15, 1822	Philadelphia	2				
47	Bruneau, Dennis M.	Sergeant	April 22, 1822	November 24, 1822	New York	1	November 28, 1822	Philadelphia		
48	Britt, Thomas	Private	April 30, 1822	November 11, 1822	Boston	1	November 17, 1822	Portsmouth	April 2, 1823	Boston, Mass.
49	Bonell, Rufus	do	March 16, 1820	November 19, 1822	Portsmouth	1				
50	Brown, John	Drummer	December 12, 1820	November 24, 1822	Boston	1	March 7, 1823	New York	March 24, 1823	New York.
51	Brigham, Henry	Sergeant	November 27, 1822	December 10, 1822	New York	1				
52	Bartlett, Daniel	do	December 27, 1821	December 18, 1822	Norfolk, Va	1	December 25, 1822	Norfolk, Va		
53	Bremen, Charles	do	August 12, 1822	December 30, 1822	Norfolk, Va	1				
54	Bosman, William	do	November 25, 1822	December 3, 1822	Boston	1	December 4, 1822	Boston		
55	Bruneau, Dennis M.	do	April 22, 1822	January 27, 1823	Norfolk	2				
56	Bates, George	Private	March 16, 1821	January 1, 1823	Boston	1				
57	Brown, John	do	November 27, 1822	January 13, 1823	Boston	1				
58	Burk, Patrick	do	January 2, 1823	March 26, 1823	Boston	1				
59	Bryan, John	do	December 2, 1822	March 24, 1823	New York	1	February 3, 1823	Boston		
60	Brown, James	do	September 26, 1821	April 24, 1823	Ship J. Adams	2	December 29, 1823	Norfolk, Va		
61	Boughton, Azor	do	May 21, 1823	June 15, 1823	New York	1				
62	Buckman, Charles	do	April 6, 1821	June 19, 1823	New York	1	September 29, 1823	Head-quarters	October 11, 1823	Head-quarters.
63	Blesdell, William	do	December 23, 1822	July 22, 1823	Boston	1	February 3, 1824	New York	February 6, 1824	New York.
64	Bloomer, Stephen	do	December 23, 1822	July 28, 1823	Key Vacas	1				
65	Bitt, Thomas	do	April 30, 1822	October 24, 1823	Boston	2				
66	Brauner, Frederick	do	June 20, 1823	November 26, 1823	Norfolk	1	July 15, 1824	Head-quarters	July 30, 1824	Head-quarters.
67	Barnes, Nathaniel	do	October 1, 1823	November 26, 1823	Norfolk	1				
68	Bishop, Joseph	do	August 21, 1823	November 6, 1823	Philadelphia	1	December 4, 1823	Philadelphia	December 15, 1823	Philadelphia.

F.—*Register of desertions from the United States marine corps*—Continued.

Number.	Names.	Rank.	Date of enlistment.	Deserted.		Number of times each man has deserted.	Taken.		Tried by court-martial.	
				When—	Where from—		When—	Where—	When—	Where—
69	Brown, John	Drummer	December 12, 1820	December 31, 1823	New York	2	January 9, 1824	Head-quarters		
70	Brown, Philip D	Private	October 18, 1823	December 28, 1823	New York	1				
71	Birch, Alexander M	do	October 14, 1822	December 12, 1823	Peacock	1				
72	Buffum, Richard V	do	April 22, 1822	February 26, 1824	Portsmouth, N. H	1				
73	Bird, Oliver	do	November 7, 1823	March 14, 1824	Philadelphia	1				
74	Bulkley, Thomas	do	June 2, 1823	March 25, 1824	Boston	1	April 6, 1824	New York		
75	Birch, Joseph	do	November 21, 1823	March 27, 1824	New York	1				
76	Bannan, John	do	October 2, 1823	April 12, 1824	New York	1				
77	Buljer, John I	do	November 10, 1823	April 26, 1824	Philadelphia	1	May 5, 1824	New York		
78	Byrne, John	do	March 8, 1824	May 3, 1824	New York	1				
79	Bradstreet, Charles M	do	June 21, 1819	May 4, 1824	New York	1	May 5, 1824	New York		
80	Bous, Joseph	do	July 12, 1823	May 7, 1824	Norfolk	1	May 17, 1824	Norfolk		
81	Bradley, William	do	September 21, 1820	June 16, 1824	New York	1	June 25, 1824	Philadelphia	July 16, 1824	Philadelphia.
82	Billings, Samuel W. W	do	August 9, 1823	June 1, 1824	Boston	1				
83	Boyle, Patrick	do	August 4, 1823	June 29, 1824	Boston	1				
84	Buckman, Charles	do	April 6, 1821	July 22, 1824	Head-quarters	2	July 23, 1824	Head-quarters	July 30, 1824	Head-quarters.
85	Bleakly, John	do	July 8, 1824	July 22, 1824	Head-quarters	1				
86	Bolls, Joseph	do	July 12, 1823	July 22, 1824	Norfolk, Va	2	July 23, 1824	Norfolk, Va	August 11, 1824	Head-quarters.
87	Bates, James	do	October 10, 1816	August 2, 1824	New York	1	August 5, 1824	New York	August 9, 1824	New York.
88	Bennet, George	do	September 22, 1823	June 13, 1824	Thompson's island	1				
89	Bryan, John	do	December 2, 1822	July 7, 1824	Boston	2				
90	Buckman, Charles	do	April 6, 1821	August 12, 1824	Head-quarters	3				
91	Burrel, James	do	January 9, 1821	September 22, 1824	New York	1				
92	Cass, William	do	September 7, 1820	November 13, 1821	Portsmouth, N. H	1	February 19, 1822	Portsmouth, N. H		
93	Coleman, John, 2d	do	June 21, 1821	January 23, 1822	Head-quarters	1				
94	Cove, Samuel	do	June 2, 1821	January 28, 1822	New York	1	December 6, 1822	New York	December 3, 1822	New York.
95	Collins, Joseph	do	October 7, 1819	February 13, 1822	Boston	1	March 19, 1824	New York		
96	Cross, William	do	January 2, 1822	March 1, 1822	Philadelphia	1				
97	Conery, Thomas	do	March 9, 1822	March 18, 1822	Boston	1				
98	Crowley, Jeremiah	do	January 1, 1822	March 24, 1822	Boston	1				
99	Crowley, Jeremiah	do	April 11, 1822	April 19, 1822	New York	1				
100	Crawford, John	do	March 26, 1822	April 12, 1822	Boston	1				
101	Carlin, John	do	July 21, 1818	November 6, 1821	Boston	1	April 18, 1822	Philadelphia	May 3, 1822	Philadelphia.
102	Carlin, John	do	July 21, 1818	May 2, 1822	Philadelphia	2	October 5, 1822	Philadelphia		
103	Clark, Andrew	do	March 19, 1822	May 8, 1822	Boston	1	October 5, 1822	New London		
104	Crawbuck, Peter D	do	May 2, 1822	May 15, 1822	New York	1	May 23, 1822	New York		
105	Clifford, Hugh	do	October 22, 1821	June 22, 1822	Portsmouth	1	October 15, 1822	Boston	November 7, 1822	Boston.

F.—*Register of desertions from the United States marine corps*—Continued.

Number.	Names.	Rank.	Date of enlistment.	Deserted.		Number of times each man has deserted.	Taken.		Tried by court-martial.	
				When—	Where from—		When—	Where—	When—	Where—
106	Crawford, William	Private	June 5, 1822	June 9, 1822	New York	1				
107	Carey, Tristram	do	April 17, 1822	June 10, 1822	New York	1				
108	Critchet, Millet	do	January 15, 1821	July 18, 1822	Portsmouth	1				
109	Copes, Thomas	do	May 5, 1822	October 17, 1822	New Orleans	1				
110	Conner, John	do	April 11, 1822	December 16, 1822	Philadelphia	1	August 14, 1824	Philadelphia		
111	Corcoran, Patrick	do	January 22, 1822	December 30, 1822	Norfolk	1				
112	Cox, Daniel	do	September 30, 1822	January 13, 1823	Norfolk	1				
113	Cook, Hugh	do	October 23, 1822	June 22, 1823	Philadelphia	1				
114	Clifford, Hugh	do	October 22, 1821	June 14, 1823	Boston	2	June 16, 1824	New York	August 9, 1824	New York.
115	Chester, Charles	do	October 10, 1822	June 17, 1823	Boston	1	August 5, 1824	New York	August 9, 1824	New York.
116	Chadwick, David	Drummer	May 16, 1822	June 17, 1823	New York	1	June 19, 1823	New York	June 20, 1823	New York.
117	Cole, John	Private	June 3, 1823	June 29, 1823	New York	1				
118	Conden, Richard	do	April 6, 1821	June 8, 1823	Recruiting ship Fulton, while at N. Y.	1	June 11, 1823	Philadelphia		
119	Connolly, John	Drummer	August 10, 1822	June 26, 1823	New Orleans	1	July, 1823	New Orleans		
120	Crabhall, Emanuel	Private	March 2, 1823	June 26, 1823	New Orleans	1				
121	Chadwick, David	Drummer	May 16, 1822	July 4, 1823	New York	2	July 5, 1823	New York	August 5, 1823	New York.
122	Cobert, Abraham	Private	July 20, 1822	July 3, 1823	New York	1				
123	Chenert, Augustus	do	April 29, 1823	July 13, 1823	Philadelphia	1				
124	Cromwell, Samuel	do	July 31, 1820	August 31, 1823	Head-quarters	1	September 3, 1823	Head-quarters	September 3, 1823	Head-quarters.
125	Clark, Hamilton	do	May 2, 1823	July 6, 1823	New Orleans	1				
126	Cove, Samuel	do	June 2, 1821	August 10, 1823	New York	2				
127	Clark, John	do	June 12, 1823	August 15, 1823	New York	1	October 29, 1824	New York		
128	Cook, Joseph	do	January 22, 1822	August 12, 1823	New York	1	July 16, 1824	Head-quarters	July 30, 1824	Head-quarters.
129	Culverhouse, William	do	November 6, 1822	September 18, 1823	Philadelphia	1	September 20, 1823	Head-quarters	October 4, 1823	Head-quarters.
130	Cooper, John	do	November 1, 1822	July 28, 1823	Key Vacas	1				
131	Crawford, Thomas	Musician	August 28, 1819	September 4, 1823	New York	1				
132	Colby, Moses	Private	May 13, 1823	September 1, 1823	New York	1	September 14, 1823	New York	September 15, 1823	New York.
133	Carlin, John	do	July 21, 1818	October 26, 1823	Philadelphia	3	April 15, 1824	Philadelphia		
134	Conner, Martin	do	June 28, 1822	October 9, 1823	Boston	1				
135	Colby, Moses	do	May 13, 1823	November 24, 1823	New York	2				
136	Cass, William	do	December 26, 1822	October 16, 1823	New York	1	October 17, 1823	New York	November 12, 1823	New York.
137	Cole, John H	do	June 30, 1820	April 14, 1823	U. S. ship Franklin.	1	January 17, 1824	Franklin 74		
138	Cooper, Ezekiel	do	November 12, 1823	December 25, 1823	New York	1	December 26, 1823	New York	January 7, 1824	New York.
139	Carr, John, 1st	do	November 15, 1823	January 30, 1824	Philadelphia	1				
140	Chapin, David	do	March 2, 1822	March 25, 1824	New York	1				
141	Conklin, Barclay	do	September 12, 1820	May 11, 1824	Boston	1				

F.—*Register of desertions from the United States marine corps*—Continued.

Number.	Names.	Rank.	Date of enlistment.	Deserted.		Number of times each man has deserted.	Taken.		Tried by court-martial.	
				When—	Where from—		When—	Where—	When—	Where—
142	Carey, John	Private	August 16, 1820	June 17, 1824	New York	1	June 19, 1824	New York		
143	Cook, Samuel	do	June 13, 1822	June 22, 1823	Philadelphia	1	June, 1823	Philadelphia	August 5, 1823	Philadelphia.
144	Canada, Charles B.	do	September 28, 1821	July 7, 1824	Boston	1	July 16, 1824	New York	August 9, 1824	New York.
145	Combs, G. W.	do	September 12, 1823	July 20, 1824	Norfolk	1				
146	Carr, John, 2d	do	December 3, 1823	August 19, 1824	Norfolk	1				
147	Cress, Charles	do	August 17, 1821	August 11, 1824	Philadelphia	1	August 13, 1824	Philadelphia		
148	Conover Ruliff	Sergeant	August 1, 1822	August 14, 1824	Schooner Grampus	1	September 23, 1824	Head-quarters		
149	Cochran, James	do	November 15, 1823	September 27, 1824	New York	1	September 29, 1824	Philadelphia		
150	Crow, Abraham	Private	August 18, 1824	September 28, 1824	New York	1				
151	Dickson, Joshua	do	August 21, 1821	November 6, 1821	Head-quarters	1				
152	Davis, Brinkley	do	August 21, 1821	January 2, 1822	Head-quarter	1	January 10, 1822	Philadelphia	February 14, 1822	Philadelphia.
153	Dixon, James	do	July 20, 1818	January 22, 1822	Brig Spark	1	January 10, 1822	U.S.ship Macedonian		
154	Davis, James, 1st	do	September 29, 1821	March 22, 1822	Boston	1	April 5, 1822	New York	May 2, 1822	New York.
155	Daniels, Dowling	do	July 3, 1822	July 16, 1822	New York	1	April 21, 1823	New York		
156	Dougherty, John	do	February 6, 1822	July 16, 1822	Norfolk	1	November 23, 1822	New York		
157	Davis, James, 1st	do	September 29, 1821	September 3, 1822	Head-quarters	2	December 3, 1822	Philadelphia		
158	Davis, James, 2d	Corporal	December 27, 1821	July 4, 1822	U. S. ship Peacock.	1	February 14, 1824	New York		
159	Dixon, James	Private	July 20, 1818	September 12, 1822	U.S.ship Macedonian	2	October 11, 1822	Boston		
160	Drain, John	do	May 14, 1822	October 29, 1822	New York	1	October 22, 1823	New York	November 12, 1823	New York.
161	Dennie, Daniel C	do	June 6, 1822	November 2, 1822	Philadelphia	1	November 24, 1822	Head-quarters	November 26, 1822	Head-quarters.
162	Davis, Hiram	do	August 12, 1822	November 9, 1822	Portsmouth	1				
163	Duncan, John	do	April 3, 1821	October 28, 1822	Ship Hornet	1				
164	Daniel, James O	do	April 3, 1823	April 15, 1823	Philadelphia	1				
165	Daniels, Dowling	do	July 3, 1822	April 27, 1823	New York	2	August 26, 1824	New York	October 4, 1824	New York.
166	Dorathy, John O.	do	July 4, 1823	July 17, 1823	Portsmouth	1				
167	Dudley, John	do	December 18, 1822	July 17, 1823	Portsmouth	1	July 28, 1823	Portsmouth	August 20, 1823	Boston.
168	Dufour, Andrew	do	June 4, 1823	August 17, 1823	Philadelphia	1				
169	Doughty, John	do	November 19, 1822	August 14, 1823	Portsmouth	1				
170	Dearmond, Samuel	do	July 3, 1823	August 18, 1823	New York	1				
171	Donnell, John O.	do	May 1, 1823	September 1, 1823	Philadelphia	1				
172	Doran, John	Corporal	May 10, 1822	September 9, 1823	Boston	1	May 5, 1824	Boston	June 17, 1824	Boston.
173	Dudley, John	Private	December 18, 1822	November 10, 1823	Portsmouth	2				
174	Dots, Peter M.	do	June 3, 1823	December 25, 1823	New York	1	April 20, 1824	New York		
175	Dinsmore, Boyd	do	November 3, 1823	February 19, 1824	Philadelphia	1				
176	Dunn, John	do	January 8, 1823	February 6, 1824	Ship Hornet	1				
177	Davis, James, 1st	do	September 29, 1821	April 29, 1824	New York	3				
178	D'Alvarez, Emanuel	do	June 2, 1823	April 2, 1824	New York	1				

F.—*Register of desertions from the United States marine corps*—Continued.

Number.	Names.	Rank.	Date of enlistment.	Deserted.		Number of times each man has deserted.	Taken.		Tried by court-martial.	
				When—	Where from—		When—	Where—	When—	Where—
179	Dyer, John F	Private	November 12, 1822	April 1, 1824	Boston	1				
180	Dobbs, Peter M	do	June 3, 1823	June 6, 1824	New York	2				
181	Dane, Walter C	do	March 20, 1821	July 22, 1824	Boston	1				
182	Davis, John	do	November 29, 1821	August 22, 1824	Philadelphia	1				
183	Decker, Benjamin	do	May 28, 1821	September 22, 1824	New York	1	September 29, 1824	New York	October 4, 1824	New York.
184	Depew, Peter	do	July 11, 1821	September 22, 1824	New York	1				
185	Dowlan, Thomas,	do	November 8, 1823	September 27, 1824	Receiving ship Alert	1				
186	Daniels, Dowling	do	July 3, 1822	October 8, 1824	New York	3				
187	Day, James	do	November 17, 1820	October 26, 1824	New York	1	October 29, 1824	New York		
188	Esekill, Joseph	do	May 15, 1821	November 30, 1821	Head-quarters	1				
189	Ewen, Isaac	do	November 21, 1816	November 6, 1821	Boston	1	November 30, 1821	Head-quarters	December 11, 1821	Head-quarters.
190	Edwards, John	do	June 2, 1820	March 2, 1822	New York	1	November 15, 1823	Norfolk	December 20, 1823	Norfolk.
191	Ewen, Isaac	do	November 21, 1816	June 3, 1822	Head-quarters	2				
192	Evans, Robert	do	April 30, 1822	November 13, 1822	New York	1				
193	Evans, David	do	September 8, 1823	October 11, 1823	Philadelphia	1				
194	Edwards, Thomas	do	July 5, 1823	December 21, 1823	New York	1	December 30, 1823	New York	January 7, 1824	New York.
195	Evans, David	do	January 15, 1824	March 26, 1824	Boston	1				
196	Elliott, Lewis	do	November 16, 1820	June 22, 1824	New York	1				
197	Eastman, Samuel	do	October 29, 1823	June 28, 1824	Boston	1				
198	Donolly, John	do	September 2, 1823	October 22, 1824	Boston	1				
199	Chester, Charles	do	October 10, 1822	September 13, 1824	New York	2				
200	Conward, William	do	June 30, 1824	September 7, 1824	Philadelphia	1				
201	Curran, Patrick	do	December 12, 1823	September 18, 1824	Norfolk	1				
202	Cochran, James	Sergeant	November 15, 1823	October 19, 1824	Philadelphia	2	October 25, 1824	Head-quarters		
203	Clarekson, William	Private	August 8, 1823	September 25, 1824	John Adams	1				
204	Courtney, Michael	do	July 6, 1824	October 31, 1824	Philadelphia	1				
205	Fitch, Henry S	do	December 13, 1821	March 13, 1822	Boston	1				
206	Fudge, Thomas	do	March 23, 1819	March 29, 1822	Erie, Pennsylvania	1	April 11, 1822	Erie, Pennsylvania		
207	Fox, Isaac	do	March 25, 1822	April 28, 1822	Boston	1				
208	Fisher, William	do	November 28, 1821	June 21, 1822	Philadelphia	1				
209	Ferguson, Robert C	do	February 19, 1822	June 12, 1822	New York	1	June 15, 1822	New York	June 29, 1822	New York.
210	Foster, James C	do	June 21, 1822	July 9, 1822	New York	1				
211	Flemming, Charles	do	May 24, 1822	August 21, 1822	Philadelphia	1				
212	Fowle, Daniel	do	May 1, 1822	October 2, 1822	Portsmouth	1				
213	Flanagan, Michael	do	October 14, 1822	December 3, 1822	New York	1	December 10, 1822	New York	December 23, 1822	New York.
214	Fanning, Michael	do	May 1, 1823	May 17, 1823	New York	1				
215	Francis, John	do	April 26, 1822	June 4, 1823	Boston	1				

F.—*Register of desertions from the United States marine corps*—Continued.

Number.	Names.	Rank.	Date of enlistment.	Deserted.		Number of times each man has deserted.	Taken.		Tried by court-martial.	
				When—	Where from—		When—	Where—	When—	Where—
216	Farrell, John	Private	March 31, 1821	June 8, 1823	Receiv'g ship Fulton	1	June 11, 1823	Philadelphia		
217	Fisher, John	do	December 23, 1822	June 2, 1823	New Orleans	1				
218	Fitzgerald, Dennis	do	June 23, 1823	August 31, 1823	Portsmouth	1	October 17, 1823	Portsmouth		
219	Field, Benjamin	do	April 21, 1823	November 27, 1823	Boston	1	December 6, 1823	New York	January 7th, 1824	New York.
220	Fitzgerald, Dennis	do	June 23, 1823	Nhvember 10, 1823	Portsmouth	2				
221	Forsyth, William	do	January 6, 1823	December 28, 1823	Head-quarters	1				
222	Flaherty, Francis	Fifer	July 29, 1819	January 16, 1824	Ship Ontario	1				
223	Frank, William	Private	December 8, 1823	February 28, 1824	Philadelphia	1	March 20, 1824	Philadelphia	April 12, 1824	Philadelphia.
224	Fovell, Francis	do	January 11, 1823	February 6, 1824	Ship Hornet	1				
225	Farmer, John	do	August 11, 1823	June 30, 1824	Boston	1	August 21, 1824	New York	October 4, 1824	New York.
226	Fitzgerald, John	do	August 16, 1823	June 13, 1824	T. Island	1				
227	Farroll, James	do	March 31, 1821	July 29, 1824	Boston	2	August 6, 1824	New York	August 9, 1824	New York.
228	Finn, James	do	August 2, 1820	September 16, 1824	New York	1	September 19, 1821	New York	October 4, 1824	New York.
229	Cunningham, Henry	do	September 28, 1824	October 4, 1824	New York	1				
230	Fitzgerald, John	do	September 1, 1824	September 9, 1824	Boston	1				
231	McNeil, Daniel	do	December 8, 1821	October 19, 1824	New York	2	October 22, 1824	New York		
232	McCoy, Moses	do	October 23, 1822	October 7, 1824	New York	1				
233	Mace, John	do	August 9, 1824	November 9, 1824	Head-quarters	1	November 16, 1824	Head-quarters		
234	Gray, William	do	October 4, 1821	December 6, 1821	Boston	1				
235	Goheen, Jacob	do	April 18, 1821	June 4, 1822	Head-quarters	1	June 7, 1822	Head-quarters		
236	Gracy, John	do	April 10, 1822	May 24, 1822	New York	1	December 17, 1822	New York	December 23, 1822	New York.
237	Green, Thompson	do	October 17, 1821	November 19, 1821	New Orleans	1	May 14, 1822	New Orleans		
238	Gould, Jesse B	do	May 3, 1822	June 9, 1822	Boston	1	August 14, 1822	Boston		
239	Green, James	do	July 10, 1822	July 12, 1822	Boston	1				
240	Green Thompson	do	October 17, 1821	July 13, 1822	New Orleans	2				
241	Gardner, John F.	do	November 21, 1822	November 22, 1822	Boston	1				
242	Gayton, James	do	January 17, 1822	December 13, 1822	New York	1	December 18, 1822	New York	December 23, 1822	New York.
243	Gould, Jesse B	do	May 3, 1822	January 4, 1823	Boston	2				
244	Gayton, James	do	January 17, 1822	March 26, 1823	New York	2	March 3, 1824	Head-quarters, 4th infantry, Cantonment Church, West Florida		
245	Gracey, Jacob	do	April 10, 1822	March 15, 1823	New York	2	November 29, 1823	New York	April 28, 1823	New York.
246	Guerin, Augustus	do	January 3, 1823	May 21, 1823	New York	1	October 24, 1823	New York	November 12, 1823	New York.
247	Goblin, Thomas	do	June 17, 1823	August 3, 1823	Head-quarters	1				
248	Gorton, Francis O	do	October 14, 1823	December 1, 1823	Boston	1				

F.—*Register of desertions from the United States marine corps*—Continued.

Number.	Names.	Rank.	Date of enlistment.	Deserted.		Number of times each man has deserted.	Taken.		Tried by court-martial.	
				When—	Where from—		When—	Where—	When—	Where—
249	Grady, John	Private	January 5, 1824	January 27, 1824	New York	1				
250	Grolis, Mathias	do	September 19, 1819	February 24, 1824	Ship Ontario	1				
251	Gilmore, Michael	do	October 31, 1823	March 8, 1824	New York	1				
252	Gorman, James	do	January 7, 1823	March 25, 1824	New York	1	March 26, 1824	New York		
253	Green, Joseph	do	March 7, 1824	March 26, 1824	New York	1				
254	Graham, John	do	October 14, 1823	August 15, 1824	Philadelphia	1	August 17, 1824	Philadelphia		
255	Gavey, Edward	do	July 30, 1821	September 22, 1824	New York	1				
256	Graham, John	do	October 15, 1823	September 27, 1824	Ship John Adams	2				
257	Gatchel, Jeremiah	do	September 3, 1824	October 14, 1824	Philadelphia	1				
258	Gathery, Samuel	do	October 6, 1823	October 7, 1824	New York	1				
259	Harrison, John	Corporal	September 26, 1821	November 16, 1821	Boston	1				
260	Heberson, James A	Private	October 23, 1821	January 27, 1822	Philadelphia	1	January 29, 1822	Philadelphia		
261	Howard, Overton	do	July 19, 1819	February 14, 1822	Head-quarters	1	February 20, 1822	Philadelphia		
262	Heberson, James A	do	October 23, 1821	February 3, 1822	Philadelphia	2	September 7, 1822	Philadelphia	October 7, 1822	Philadelphia.
263	Hambrey, John	do	October 13, 1821	June 4, 1822	Head-quarters	1	July 16, 1822	Norfolk		
264	Hutcheson, John	do	April 23, 1822	May 11, 1822	New York	1				
265	Howell, James	do	May 22, 1822	July 2, 1822	Head-quarters	1	April 26, 1824	Head-quarters		
266	Harbison, Francis	do	December 1, 1821	June 20, 1822	Philadelphia	1				
267	Holbrook, Isaac	do	January 9, 1822	June 12, 1822	Boston	1	June 15, 1822	Boston		
268	Holden, Peter	do	May 11, 1822	June 1, 1822	New York	1				
269	Hunter, Elijah	do	May 26, 1822	June 18, 1822	New York	1				
270	Harris, Elijah L	do	July 21, 1821	July 10, 1822	Boston	1	November 9, 1822	New York		
271	Hailey, Michael	do	April 26, 1822	August 9, 1822	Boston	1				
272	Hardy, Nehemiah	do	May 15, 1822	October 8, 1822	Boston	1				
273	Hathaway, Joseph C	Corporal	April 17, 1822	October 24, 1822	New York	1				
274	Herbeson, James A	Private	October 25, 1821	January 26, 1823	Philadelphia	3				
275	Hoops, Charles	do	January 2, 1823	January 29, 1823	Philadelphia	1	March 14, 1823	Philadelphia	August 5, 1823	Philadelphia.
276	Harris, Thomas	do	July 25, 1819	January 1, 1823	Schooner Shark	1				
277	Henry, Samuel	do	December 30, 1822	January 20, 1823	New Orleans	1				
278	Herman, Patrick	do	September 14, 1821	March 11, 1823	Boston	1				
279	Henderson, Robert	do	December 20, 1822	March 19, 1823	Norfolk	1				
280	Haley, Patrick	do	January 20, 1823	April 16, 1823	Philadelphia	1	April 19, 1823	Philadelphia	August 5, 1823	Philadelphia.
281	Harris, Elijah L	do	July 21, 1821	April 15, 1823	Boston	2	November 24, 1823	New York		
282	Hersborough, James	do	February 24, 1823	April 12, 1823	New York	1				
283	Hagerty, James	do	May 8, 1823	May 28, 1823	Philadelphia	1				
284	Heath, William	do	April 4, 1823	May 14, 1823	Norfolk	1				

F.—*Register of desertions from the United States marine corps*—Continued.

Number.	Names.	Rank.	Date of enlistment.	Deserted.		Number of times each man has deserted.	Taken.		Tried by court-martial.	
				When—	Where from—		When—	Where—	When—	Where—
285	Hutchinson, Henry	Private	May 12, 1823	May 17, 1823	New York	1	May 23, 1823	New York		
286	Hoffman, John	do	June 25, 1822	June 19, 1823	Boston	1				
287	Hill, Joseph	do	May 7, 1813	June 14, 1823	New York	1	June 14, 1823	New York	June 17, 1823	New York.
288	Harrison, Robert	do	January 20, 1813	July 8, 1823	Head-quarters	1				
289	Holmes, Peter	do	May 21, 1813	July 8, 1823	Philadelphia	1				
290	Holmes, John	do	May 21, 1813	July 8, 1823	Philadelphia	1	December 28, 1823	New York	January 7, 1824	New York.
291	Hoops, Charles	do	January 2, 1813	August 22, 1823	Philadelphia	2				
292	Henks, John G	do	August 4, 1813	August 14, 1823	Philadelphia	1	August 16, 1823	Philadelphia	December 15, 1823	Philadelphia.
293	Hill, Joseph	do	May 7, 1823	August 9, 1823	New York	2				
294	Haskins, Morris	do	August 26, 1823	September 14, 1823	New York	1	September 29, 1823	New York	November 12, 1823	New York.
295	Hutchinson, James	Corporal	April 1, 1822	August 19, 1823	New Orleans	1				
296	Hutchinson, Henry	Private	May 12, 1823	October 31, 1823	New York	2	November 24, 1823	New York		
297	Hall, George	do	July 7, 1823	October 15, 1823	New York	1				
298	Hassan, Benjamin	do	July 25, 1823	November 2, 1823	Philadelphia	1				
299	Hanrahan, Michael	do	September 20, 1823	November 13, 1823	Portsmouth	1				
300	Hall, Jacob	do	September 19, 1823	November 7, 1823	New York	1				
301	Harris, Elijah L.	do	July 21, 1821	December 25, 1823	New York	3				
302	Hutchinson, Henry	do	May 12, 1823	December 6, 1823	New York	3	December 7, 1823	New York		
303	Hutchinson, Henry	do	May 12, 1823	December 25, 1823	New York	4	January 13, 1824	New York		
304	Haskins, Morris	do	August 26, 1823	December 25, 1823	New York	2	December 26, 1823	New York		
305	Hughes, Benjamin	Drummer	August 23, 1821	January 13, 1824	New York	1	April 20, 1824	New York		
306	Hewes, William	Corporal	December 9, 1820	January 16, 1824	Ship Ontario	1				
307	Haskin, Morris	Private	August 26, 1823	February 22, 1824	New York	3				
308	Hutchinson, Henry	do	May 12, 1823	February 2, 1824	New York	5	February 15, 1824	New York	February 16, 1824	New York.
309	Hanson, Henry	do	August 30, 1820	March 4, 1824	Ship Ontario	1				
310	Hardy, Samuel	do	July 2, 1823	April 3, 1824	New York	1				
311	Howard, Valentine	do	March 27, 1824	April 21, 1824	Portsmouth	1	April 29, 1824	Portsmouth	June 17, 1824	Boston.
312	Hart, James	do	June 11, 1819	June 2, 1824	Head-quarters	1				
313	Howell, James	do	May 22, 1822	June 2, 1824	Head-quarters	2	October 12, 1824	Philadelphia		
314	Hizar, Benjamin H.	do	July 25, 1821	May 3, 1824	New York	1				
315	Hinkley, James	do	September 24, 1819	June 17, 1824	New York	1	June 17, 1824	New York		
316	Huff, Frederick	do	January 13, 1823	June 27, 1824	Boston	1				
317	Hall, James	do	November 27, 1822	June 30, 1824	Boston	1				
318	Hart, Bernard	do	December 23, 1822	May 25, 1824	U. S. ship Hornet	1				
319	Higgins, James	do	June 15, 1824	June 15, 1824	New York	1				
320	Hart, Amos	do	December 4, 1822	December 31, 1823	Philadelphia	1	June, 1823	Philadelphia	August 5, 1823	Philadelphia.
321	Hutchinson, Henry	do	May 12, 1823	July 23, 1824	New York	6	August 27, 1824	New York		

F.—*Register of desertions from the United States marine corps*—Continued.

Number.	Names.	Rank.	Date of enlistment.	Deserted.		Number of times each man has deserted.	Taken.		Tried by court-martial.	
				When—	Where from—		When—	Where—	When—	Where—
322	Howard, Valentine	Private	March 27, 1824	August 19, 1823	Boston	2				
323	Holdren, John	do	July 13, 1824	September 26, 1823	New York	1				
324	Henk, John G	do	August 4, 1823	September 6, 1823	New York	2				
325	Hess, Charles	do	August 19, 1824	September 11, 1823	Philadelphia	1				
326	Hamilton, James	do	September 17, 1824	September 29, 1823	Philadelphia	1				
327	Hacket, William	do	May 31, 1824	October 22, 1823	Boston	1				
328	Ingraham, Lucius	do	July 8, 1817	January 22, 1822	Brig Spark	1				
329	Johnson, Jesse	do	June 11, 1822	June 26, 1822	New York	1	November 2, 1822	Norfolk		
330	Johnson, Levi	do	May 31, 1819	October 26, 1822	Receiv'g ship Fulton	1				
331	Jones, William	do	November 10, 1821	November 12, 1822	Philadelphia	1	January 29, 1823	New York	March 24, 1823	New York.
332	Johnson, John	Corporal	December 19, 1821	February 5, 1823	Philadelphia	1				
333	Johnson, Thomas	Private	November 14, 1821	March 11, 1823	Boston	1				
334	Johnson, Benjamin	do	February 1, 1826	April 24, 1823	Boston	1	April 26, 1823	Salem	May 29, 1823	
335	Johnston, William	do	September 4, 1822	May 21, 1823	New York	1	June 3, 1823	Boston		Boston.
336	Jones, David	do	May 15, 1823	June 1, 1823	New York	1				
337	Johnston, Enos M	do	July 5, 1823	August 15, 1823	New York	1	September 13, 1823	Boston		
338	Jones, William	do	November 10, 1821	August 17, 1823	New York	2	December 1, 1823	Head-quarters		
339	Johnston, Enos M	do	July 5, 1823	October 24, 1823	Boston	2	September 2, 1824	New York	October 4, 1824	New York.
340	Jones, Anthony	do	September 3, 1823	November 25, 1823	Portsmouth	1				
341	Johnson, Henry	do	October 7, 1823	November 15, 1823	Cyane	1				
342	Jackson, William	do	April 6, 1824	April 26, 1824	Boston	1				
343	Johnson, Benjamin	do	February 1, 1823	June 30, 1824	Boston	2	September 1, 1824	Boston		
344	Jones, Benjamin	do	June 26, 1820	October 26, 1824	Boston	1				
345	Kunrod, James	do	January 6, 1821	January 16, 1822	Head-quarters	1				
346	Keyser, Rees	do	January 9, 1822	April 11, 1822	New York	1				
347	Kesely, John	do	July 20, 1821	June 7, 1822	Head-quarters	1	June 13, 1822	Head-quarters		
348	Kelly, William	do	December 29, 1821	May 15, 1822	Philadelphia	1	December 4, 1822	New York	December 23, 1822	New York.
349	Kelley, John	do	May 7, 1822	May 12, 1822	New York	1	June 18, 1822	New York	June 29, 1822	New York.
350	Kelly, Thomas	do	June 13, 1822	July 21, 1822	Head-quarters	1				
351	Knott, John C	do	May 31, 1822	September 8, 1822	New York	1				
352	Keys, John	do	May 30, 1822	November 21, 1822	Head-quarters	1				
353	Kirby, William	Sergeant	March 20, 1821	November 6, 1822	Erie	1				
354	King, John	Private	April 22, 1821	November 17, 1822	New York	1				
355	Kinkerly, Jacob	Sergeant	July 17, 1819	December 18, 1822	Schooner Grampus	1	January 1, 1823	Philadelphia		
356	King, Josiah	Private	October 11, 1822	December 6, 1822	Boston	1				
357	Knox, Daniel W	do	October 11, 1822	December 29, 1822	Boston	1	February, 23, 1823	Portsmouth	April 2, 1823	Boston.

F.—*Register of desertions from the United States marine corps*—Continued.

Number.	Names.	Rank.	Date of enlistment.	Deserted.		Number of times each man has deserted.	Taken.		Tried by court-martial.	
				When—	Where from—		When—	Where—	When—	Where—
358	Kemp, Thomas	Private	October 2, 1822	January 1, 1823	Norfolk	1	February 1, 1823	Philadelphia	February 20, 1823	Philadelphia.
359	Kenny, Christopher	do	January 3, 1823	January 7, 1823	New York	1	February 1, 1823	Philadelphia		
360	Kelly, William	do	December 29, 1821	March 26, 1823	New York	2				
361	Kirk, William L.	do	November 3, 1819	April 25, 1823	Boston	1	April 26, 1823	Salem	May 27, 1823	Boston.
362	Kelly, James	do	April 30, 1823	May 21, 1823	New Orleans	1				
363	Keenan, John M	do	November 16, 1822	June 24, 1823	Boston	1				
364	Kirby, Absalom	do	January 17, 1823	July 21, 1823	New York	1	July 13, 1824	New York	August 9, 1824	New York.
365	Kizer, John	do	June 10, 1823	July 5, 1823	New York	1				
366	King, John	do	November 21, 1820	July 28, 1823	New Orleans	1	July 6, 1823	New York	August 5, 1823	New York.
367	Kizer, John	do	June 10, 1823	October 31, 1823	New York	2				
368	Killinger, John	do	September 22, 1823	November 22, 1823	Norfolk	1	November 2, 1823	New York	November 12, 1823	New York.
369	Kennedy, James	do	November 22, 1821	January 1, 1824	Frigate Congress	1				
370	Kizer, John	do	June 10, 1823	May 25, 1824	New York	3	May 3, 1824	Fort Washington		
371	Koffman, Frederick	do	November 30, 1822	June 11, 1824	Navy Yard, D. C.	1	June 14, 1824	New York	August 9, 1824	New York.
372	Kelly, William	Corporal	March 16, 1822	December 11, 1823	Boston	1				
373	Kizer, John	Private	June 10, 1822	September 26, 1823	New York	4	December, 1823	Boston	January 2, 1824	Boston.
374	Kearney, James	do	April 25, 1821	September 22, 1824	New York	1	September 27, 1824	New York	October 4, 1824	New York.
375	Kavanaugh, John R	do	July 29, 1824	September 15, 1824	New York	1				
376	Knorr, John C.	do	January 12, 1822	October 12, 1824	Boston	1	September 17, 1824	New York	October 4, 1824	New York.
377	Leffee, Louis	do	July 5, 1824	September 20, 1824	Ship J. Adams	1				
378	Lopez, Charles	do	October 1, 1819	February 9, 1822	Head-quarters	1				
379	Luse, Mathias	do	August 7, 1821	January 24, 1822	New York	1	May 3, 1822	Philadelphia	May 4, 1822	Philadelphia.
380	Lewis, Charles	do	December 20, 1821	March 2, 1822	New York	1	March 18, 1822	New York	May 2, 1822	New York.
381	Leighton, Hugh	do	May 6, 1822	May 19, 1822	New York	1				
382	Leinig, Henry	do	January 19, 1822	June 12, 1822	Philadelphia	1				
383	Lord, Samuel	do	June 3, 1822	June 13, 1822	New York	1				
384	Lurvey, Benoni	do	April 19, 1822	October 29, 1822	New York	1				
385	Leyden, John	do	May 11, 1822	October 29, 1822	New York	1				
386	Love, Jacob	do	March 20, 1822	December 15, 1822	Schooner Shark	1				
387	Lloyd, William	Corporal	August 19, 1822	November 11, 1822	New Orleans	1				
388	Lesley, William	Private	December 23, 1822	December 27, 1822	New Orleans	1				
389	Lomis, Roland	do	December 20, 1822	June 18, 1823	Boston	1				
390	Lee, Aaron	do	October 14, 1822	June 20, 1823	Boston	1				
391	Lewis Nathaniel	do	June 14, 1823	July 31, 1823	New York	1				
392	Lake, Hebren	do	May 1, 1823	July 14, 1823	Philadelphia	1				
393	Land, Irey	do	May 3, 1823	October 10, 1823	Norfolk	1				

F.—*Register of desertions from the United States marine corps*—Continued.

Number.	Names.	Rank.	Date of enlistment.	Deserted.		Number of times each man has deserted.	Taken.		Tried by court-martial.	
				When—	Where from—		When—	Where—	When—	Where—
394	Lambert, John H	Private	June 29, 1819	April 13, 1823	Grampus	1				
395	Lewis, James	do	November 1, 1822	December 24, 1823	Grampus	1				
396	Leonard, William	do	January 15, 1823	January 5, 1824	Norfolk	1	February 2, 1824	New York	February 6, 1824	New York.
397	Lafarge, Francis G	Fifer	May 26, 1823	June 6, 1824	New York	1	July 23, 1824	Boston		
398	Lee, Nicholas	Private	October 30, 1823	November 27, 1823	Philadelphia	1	November 2, 1823	Philadelphia	December 15, 1823	Philadelphia.
399	Lathrop, Henry V	do	January 20, 1824	July 16, 1824	New York	1				
400	Laughlin, Thomas	do	May 22, 1819	August 19, 1824	New York	1				
401	Logue, William	do	June 17, 1821	September 22, 1824	New York	1	September 27, 1824	New York	October 4, 1824	New York.
402	McDonald, William	do	July 14, 1819	December 5, 1821	New York	1	December 8, 1821	Philadelphia	December 17, 1821	Philadelphia.
403	Munell, Hugh	do	August 2, 1821	January 18, 1822	Philadelphia	1	January 28, 1822	Philadelphia	February 14, 1822	Philadelphia.
404	McManomen, John	do	November 7, 1821	January 6, 1822	New York	1				
405	McCartney, Jeremiah	do	January 16, 1822	February 1, 1822	Philadelphia	1				
406	Morton, John	do	April 17, 1822	April 28, 1822	New York	1				
407	Mansfield, Joseph	do	May 4, 1820	March 25, 1822	New Orleans	1				
408	McSparran, William W	Corporal	October 8, 1818	June 3, 182	Head-quarters	1				
409	Martin, John	Private	February 23, 1822	June 22, 1822	Norfolk	1				
410	McGlaughlin, James	do	May 20, 1822	May 27, 1822	Boston	1				
411	McCandlish, John,	do	May 18, 1822	May 30, 1822	New York	1				
412	Munroe, George W	do	April 24, 1822	May 25, 1822	New York	1				
413	Martin, William	do	December 12, 1821	June 27, 1822	Philadelphia	1	June 27, 1822	Philadelphia		
414	Moore, Henry	do	October 13, 1820	June 22, 1822	Portsmouth	1	August 20, 1822	Eastport	November 7, 1822	Boston.
415	Miller, James	do	June 6, 1818	June 11, 1822	Boston	1	June 13, 1822	Boston		
416	Mitchel, William	do	June 6, 1822	June 23, 1822	New York	1				
417	McKinzey, Daniel	do	April 17, 1821	June 12, 1822	New York	1	June 15, 1822	New York	June 29, 1822	New York.
418	Middleburg, Robert	do	May 17, 1822	June 14, 1822	New York	1	June 15, 1822	New York	June 29, 1822	New York.
419	Munroe, Alexander D	do	June 10, 1822	July 18, 1822	Head-quarters	1	December, 1822	Baltimore	January 14, 1823	Head-quarters.
420	McCracken, John	do	May 4, 1822	July 13, 1822	Philadelphia	1	July 13, 1823	Philadelphia	August 5, 1823	Philadelphia.
421	Mageean, John	do	May 22, 1822	August 13, 1822	Headquarters	1				
422	Mason, Thomas	do	April 20, 1822	October 11, 1822	Boston	1				
423	M'Laughlin, James	do	April 22, 1822	November 9, 1822	New York	1				
424	Miller, James	do	June 6, 1818	November 4, 1822	Boston	2	November 29, 1822	New York	December 23, 1822	New York.
425	Murphy, John	do	April 5, 1822	November 16, 1822	Norfolk	1				
426	Meloy, Charles	do	November 14, 1822	December 30, 1822	Philadelphia	1	March 19, 1824	Philadelphia	April 12, 1824	Philadelphia.
427	M'Caffray, Patrick	do	November 1, 1822	January 26, 1823	Philadelphia	1				
428	M'Ginnis, James	do	January 21, 1822	February 24, 1823	Norfolk	1	February 26, 1813	Norfolk, Va	March 21, 1823	Head-quarters.
429	May, John	do	October 26, 1822	February 28, 1823	New York	1	March 3, 1813	New York	March 24, 1823	New York.

F.—*Register of desertions from the United States marine corps*—Continued.

Number.	Names.	Rank.	Date of enlistment.	Deserted.		Number of times each man has deserted.	Taken.		Tried by court-martial.	
				When—	Where from—		When—	Where—	When—	Where—
430	M'Ewen, James	Private	January 1, 1822	February 12, 1822	Philadelphia	1				
431	M'Kenne, Hugh	do	January 30, 1823	March 26, 1823	New York	1	March 27, 1823	New York	April 28, 1823	New York.
432	Miller, James	do	June 6, 1818	March 29, 1823	New York	3	April 3, 1823	New York	April 28, 1823	New York.
433	Melms, Harmon	do	January 4, 1823	April 15, 1823	Head-quarters	1				
434	Middleburgh, Robert	do	May 17, 1822	April 30, 1823	Boston	2				
435	Mason, Andrew	do	January 3, 1823	April 12, 1823	New York	1				
436	Murrell, Hugh	do	August 2, 1821	May 16, 1823	Ship J. Adams	2	May 14, 1824	Philadelphia		
437	Miller, Bradner	do	November 5, 1822	April 24, 1823	W. I. Station	1	June 10, 1823	Havana		
438	M'Neil, Daniel	do	December 8, 1821	May 18, 1823	Brig Spark	1	May 30, 1823	Norfolk		
439	M'Donald, William	do	July 14, 1819	June 20, 1823	Rec'g ship at Phil'a.	2	June 23, 1823	Head-quarters		
440	Murphy, Patrick	do	November 18, 1822	June 21, 1823	Boston	1	October 19, 1823	New York	November 12, 1823	New York.
441	Miller, Abraham	do	August 4, 1819	July 20, 1823	Norfolk	1	July 30, 1823	Head-quarters	August 2, 1823	Head-quarters.
442	Mummursive, John	do	November 22, 1822	July 17, 1823	Norfolk	1				
443	M'Neil, Daniel	do	July 22, 1823	July 30, 1823	New York	1				
444	Morgan, Franklin	do	May 27, 1823	July 5, 1823	Philadelphia	1				
445	Munroe, Alexander D	do	June 10, 1822	August 14, 1823	Head-quarters	2				
446	Morton, Israel	do	December 6, 1819	July 6, 1823	Navy Yard, D. C.	1	August 7, 1823	Head-quarters	September 3, 1823	Head-quarters.
447	Miller, Henry	do	June 4, 1823	September 1, 1823	Philadelphia	1				
448	Moore, Samuel	Fifer	August 11, 1823	September 25, 1823	Boston	1				
449	May, John	Private	October 26, 1822	September 4, 1823	New York	2				
450	Mason, Peter	do	August 14, 1822	September 4, 1823	New York	1	January 5, 1824	New York	January 7, 1824	New York.
451	M'Lean, Roderick	do	June 2, 1823	September 13, 1823	New York	1	June 22, 1824	New York	August 9, 1824	New York.
452	Millett, Louis	do	January 19, 1819	August 12, 1823	New Orleans	1				
453	Meacock, John	do	August 23, 1823	October 24, 1823	Philadelphia	1				
454	M'Ginnis, James	do	January 21, 1822	October 13, 1823	Peacock	2				
455	M'Kown, James	do	October 31, 1823	November 24, 1823	Philadelphia	1				
456	Miers, John	do	October 13, 1823	December 20, 1823	Ship Peacock	1				
457	Miller, Bradner	do	November 5, 1822	December 6, 1823	Schr. Fox	2				
458	Miller, James	do	October 4, 1823	February 19, 1824	Philadelphia	1	May 10, 1824	Head-quarters	June 11, 1824	Head-quarters.
459	Murray, Thomas	do	January 13, 1824	March 6, 1824	Philadelphia	1				
460	M'Kaney, William	do	December 16, 1822	September 6, 1823	New Orleans	1				
461	Morris, John	do	September 28, 1823	April 5, 1824	Philadelphia	1				
462	Mathews, Jacob	do	December 30, 1823	May 1, 1824	New York	1				
463	Monday, John	do	December 8, 1823	June 24, 1824	New York	1	June 27, 1824	New York		
464	Myrick, Hanson	do	November 29, 1823	June 24, 1824	Boston	1				
465	Mason, Peter	do	August 14, 1822	August 23, 1824	New York	2	September 14, 1824	Head-quarters	September 22, 1824	Head-quarters.

F.—*Register of desertions from the United States marine corps*—Continued.

Number.	Names.	Rank.	Date of enlistment.	Deserted.		Number of times each man has deserted.	Taken.		Tried by court-martial.	
				When—	Where from—		When—	Where—	When—	Where—
466	Marshall, George	Private	December 10, 1823	July 5, 1824	Boston	1				
467	Miller, James	do	October 4, 1823	August 13, 1824	Head-quarters	2				
468	Moore, Henry	do	July 26, 1824	August 18, 1824	Head-quarters	1	August 31, 1824	Head-quarters		
469	Meloy, Charles	do	November 14, 1822	August 27, 1824	Philadelphia	2				
470	Mosely, Thomas	do	November 27, 1820	January 15, 1824	Franklin 74	1				
471	Mott, Joseph	do	January 1, 1824	September 16, 1824	New York	1	October 22, 1824	Philadelphia		
472	Narris, Neally	do	February 15, 1822	April 7, 1822	Boston	1				
473	Norcott, Henry	do	June 6, 1822	July 16, 1822	New York	1				
474	Newman, James	do	September 26, 1822	November 25, 1822	Head-quarters	1	November 29, 1822	Head-quarters	December 7, 1822	Head-quarters.
475	Newell, Job	do	July 7, 1822	June 7, 1823	New York	1	June 9, 1823	New York	June 11, 1823	New York.
476	Newton, Joseph	do	August 4, 1823	October 11, 1823	Philadelphia	1	February 4, 1824	Philadelphia		
477	Mosher, William	do	September 24, 1824	September 28, 1824	New York	1				
478	Monro, Abraham	do	September 24, 1824	September 28, 1824	New York	1				
479	Mullagham, Patrick	do	December 30, 1823	September 25, 1824	Norfolk	1				
480	O'Brien, Joseph C	do	October 1, 1821	March 19, 1822	New York	1				
481	O'Brien, Patrick	do	March 14, 1822	April 14, 1822	Boston	1				
482	O Conor, Hugh	do	April 6, 1822	May 15, 1822	Philadelphia	1				
483	Ottinger, Henry	do	August 9, 1819	June 20, 1822	Philadelphia	1	June 28, 1822	Philadelphia		
484	Olas, Moses	do	June 16, 1823	July 2, 1823	New York	1				
485	Otinger, Henry	do	August 13, 1823	August 15, 1823	New Orleans	1				
486	O'Brien, Charles	do	January 10, 1824	February 19, 1824	Philadelphia	1				
487	Owens, John	do	November 20, 1823	March 7, 1824	Philadelphia	1				
488	Oman, William	do	October 31, 1823	November 24, 1823	New York	1	May 27, 1824	Philadelphia		
489	O'Key, Samuel	do	September 8, 1824	September 23, 1824	New York	1				
490	O'Hara, Edmund	do	September 7, 1824	September 28, 1824	Frigate Constitution	1				
491	Pool, Frederick	do	July 30, 1823	October 8, 1824	Navy Yard, D. C	1				
492	Parker, Andrew	do	April 12, 1819	November 6, 1821	Boston	1	November 15, 1821	New York		
493	Pool, Frederick	do	August 6, 1818	January 16, 1822	Head-quarters	1	January 25, 1822	Head-quarters	January 30, 1822	Head-quarters.
494	Pearson, William	do	January 5, 1822	January 12, 1822	Philadelphia	1				
495	Prisby, Joseph	do	September 4, 1821	February 28, 1822	New York	1				
496	Parker, Andrew	do	April 12, 1819	March 2, 1822	New York	1	April 8, 1822	Philadelphia	May 1, 1822	Philadelphia.
497	Perkins, Giles	do	March 11, 1822	March 13, 1822	Boston	1				
498	Priest, Abel M	do	February 28, 1822	March 21, 1822	Boston	1				
499	Philips, George	do	February 28, 1822	April 18, 1822	Boston	1				
500	Page, Samuel	do	March 25, 1822	April 28, 1822	Boston	1				
501	Ponton, Thomas	do	April 7, 1821	May 25, 1822	Portsmouth	1	May 28, 1822	Boston		
502	Packard, Ephraim	do	March 27, 1821	April 29, 1822	Boston	1				

F.—*Register of desertions from the United States marine corps*—Continued.

Number.	Names.	Rank.	Date of enlistment.	Deserted.		Number of times each man has deserted.	Taken.		Trial by court-martial.	
				When—	Where from—		When—	Where—	When—	Where—
503	Parker, John	Private	January 1, 1822	April 30, 1822	Boston	1				
504	Price, Samuel	do	April 8, 1822	May 11, 1822	New York	1				
505	Parker, James	do	June 3, 1822	July 4, 1822	New York	1				
506	Parker, Elias	do	May 8, 1822	August 30, 1822	New York	1				
507	Patterson, James	do	February 14, 1821	November 29, 1821	New Orleans	1				
508	Price, Robert	do	March 6, 1822	October 26, 1822	New York	1	November 4, 1822	Boston	November 7, 1822	Boston, Mass.
509	Pike Isaac	do	November 16, 1822	March 24, 1823	Portsmouth	1	March 27, 1823	Portland		
510	Parrish, William	do	December 27, 1822	February 26, 1823	New Orleans	1				
511	Purtel, James	do	August 20, 1822	April 14, 1823	Boston	1	May 7, 1823	Boston	May 27, 1823	Boston.
512	Perry, John	do	March 7, 1823	June 20, 1823	Boston	1	August 4, 1823	New York	August 5, 1823	New York.
513	Parsons, Gorham	do	July 8, 1823	August 15, 1823	New York	1				
514	Perry, John	do	March 7, 1823	September 6, 1823	New York	2	March 16, 1824	New York		
515	Parton, Thomas	do	April 7, 1821	October 1, 1823	Boston	2				
516	Perrin, James	Drummer	December 7, 1820	January 16, 1824	Ship Ontario	1				
517	Perry, John	Private	March 7, 1823	June 10, 1824	New York	3				
518	Partelow, Henry	do	August 2, 1823	June 3, 1824	New York	1				
519	Potter, William	do	November 24, 1823	June 18, 1824	Receiv'g ship Fulton	1				
520	Probasco, John W	do	July 13, 1824	September 26, 1824	New York	1				
521	Traylor, Thomas I	do	June 30, 1821	September 26, 1824	Franklin 74	1	September 19, 1824	Philadelphia		
522	Smith, Charles	do	August 2, 1824	October 4, 1824	Philadelphia	1				
523	Smith, Bennet	do	September 14, 1824	October 4, 1824	Philadelphia	1				
524	Short, John	do	March 31, 1821	October 22, 1824	Boston	1				
525	Steele, Peter	do	October 16, 1820	October 22, 1824	Boston	1				
526	Raymond, John	do	October 12, 1822	October 31, 1824	Philadelphia	1				
527	Row, James	do	August 7, 1821	February 14, 1822	Head-quarters	1				
528	Russel, Charles	do	December 28, 1821	March 9, 1822	New York	1				
529	Reid, John	do	April 23, 1822	May 24, 1822	New York	1				
530	Riley, William	do	May 31, 1819	April 27, 1822	New Orleans	1				
531	Richardson, Reuben I	do	May 8, 1822	June 13, 1822	New York	1				
532	Rodgers, John	do	June 18, 1822	July 11, 1822	New York	1				
533	Requa, John	do	May 24, 1822	August 3, 1822	Boston	1				
534	Rathbone, Albert	do	December 15, 1818	August 9, 1822	New York	1	August 9, 1822	New York	October 7, 1822	New York.
535	Robinson, Benjamin	do	February 22, 1819	December 18, 1822	Norfolk	1	December 25, 1822	Norfolk		
536	Roberts, Francis	do	April 3, 1821	January 26, 1823	Philadelphia	1	February 10, 1823	Philadelphia	February 20, 1823	Philadelphia.
537	Roberts, Griffith	do	October 17, 1822	January 3, 1823	Norfolk	1	January 5, 1823	Norfolk		
538	Rich, Josiah W	do	August 14, 1822	January 3, 1823	New York	1	September 27, 1823	New York	November 12, 1823	New York.
539	Rayly, Thomas	do	August 20, 1822	April 14, 1823	Boston	1				

F.—*Register of desertions from the United States marine corps*—Continued.

Number.	Names.	Rank.	Date of enlistment.	Deserted.		Number of times each man has deserted.	Taken.		Tried by court-martial.	
				When—	Where from—		When—	Where—	When—	Where—
540	Roach, James	Private	December 18, 1822	April 14, 1823	Boston	1	December 21, 1823	Philadelphia	December 30, 1823	Philadelphia.
541	Rice, Edward	do	January 4, 1823	May 26, 1823	Norfolk	1				
542	Reed, Francis	do	April 21, 1823	May 24, 1823	New York	1				
543	Rowley, Isaac	do	May 5, 1823	May 9, 1823	New York	1				
544	Royce, John	do	May 24, 1823	June 22, 1823	New York	1	March 3, 1824	Head-quarters, 4th infantry, Cantonment Clinch, West Florida		
545	Reed, Francis	do	March 25, 1823	August 31, 1823	Head-quarters	1	September 3, 1823	Head-quarters	September 3, 1823	Head-quarters.
546	Riggins, Benjamin	do	August 5, 1823	September 4, 1823	Philadelphia	1				
547	Reiff, John	do	January 9, 1823	October 28, 1823	Ship Peacock	1				
548	Robinson, William	do	September 8, 1823	November 20, 1823	Norfolk	1				
549	Rollis, Richard	do	January 10, 1823	December 8, 1823	Ship Hornet	1				
550	Richards, Thomas D.	do	October 31, 1823	January 12, 1824	New York	1	January 15, 1824	New York	February 6, 1824	New York.
551	Rogers, William	do	October 7, 1823	January 5, 1824	New York	1				
552	Rich, Josiah W.	do	October 14, 1822	February 1, 1824	New York	2				
553	Richards, Boswell	do	April 17, 1821	March 22, 1824	Ship Hornet	1				
554	Richards, Thomas D.	do	October 31, 1823	June 13, 1824	New York	2	June 7, 1824	New York	August 9, 1824	New York.
555	Ross, John	Sergeant	November 29, 1821	December 11, 1823	Boston	1	December 17, 1823	Boston	January 2, 1824	Boston.
556	Richards, Thomas D.	Private	October 31, 1823	September 7, 1824	New York	3	October 19, 1824	Philadelphia		
557	Rice, William	do	May 28, 1821	September 22, 1824	New York	1	September 27, 1824	New York	October 4, 1824	New York.
558	Robbins, Jos. W.	do	February 19, 1820	September 22, 1824	New York	1	October 6, 1824	New York		
559	Ryan, Thomas	do	June 13, 1821	September 22, 1824	Franklin 74	1				
560	Scott, James	do	October 19, 1821	October 5, 1824	Frigate Constitution.	1	October 18, 1824	Philadelphia		
561	Strawhoneor, John	do	September 9, 1824	September 27, 1824	Philadelphia	1				
562	Scheffer, Thomas	do	October 25, 1821	January 19, 1822	Philadelphia	1				
563	Sims, John W	do	August 5, 1817	April 18, 1822	Norfolk	1				
564	Strang, Miles	do	October 22, 1821	April 26, 1822	Philadelphia	1	April 27, 1822	Head-quarters	May 16, 1822	Head-quarters.
565	Stermes, Isaac	do	April 30, 1822	May 30, 1822	Philadelphia	1	April 29, 1822	New York	May 2, 1822	New York.
566	Scofield, John	Drummer	August 28, 1821	June 27, 1822	Philadelphia	1				
567	Smith, Thomas	Private	July 4, 1819	June 7, 1822	Philadelphia	1	July 10, 1822	New York		
568	Smith, James	do	July 3, 1821	March 14, 1822	New Orleans	1	June 13, 1822	New York		
569	Sullivan, John	do	April 12, 1822	June 4, 1822	Boston	1				
570	Stevens, Samuel	do	May 21, 1822	June 9, 1822	Boston	1	August 21, 1833	Boston		
571	Smith, Thomas	do	July 14, 1819	June 17, 1822	New York	1				
572	Statia, Abraham, jr.	do	May 11, 1822	June 5, 1822	New York	1				

F.—*Register of desertions from the United States marine corps*—Continued.

Number.	Names.	Rank.	Date of enlistment.	Deserted.		Number of times each man has deserted.	Taken.		Tried by court-martial.	
				When—	Where from—		When—	Where—	When—	Where—
573	Smith, William	Private	June 17, 1822	August 11, 1822	Brig Enterprise	1				
574	Souty, John	do	December 21, 1821	August 27, 1822	Norfolk	1				
575	Stewart, Charles	do	February 21, 1822	August 21, 1822	Norfolk	1				
576	Spong, Simon	do	August 17, 1822	September 18, 1822	New Orleans	1				
577	Smith, William	do	April 16, 1819	October 14, 1822	New York	1				
578	Shay, Thomas	do	September 10, 1821	December 13, 1822	Head-quarters	1	December 21, 1822	Baltimore	January 14, 1823	Head-quarters.
579	Stanley, Sylvester D.	do	September 24, 1822	December 1, 1822	Boston	1				
580	Snell, Michael	do	July 24, 1821	December 10, 1822	Boston	1	April 14, 1824	Fort Sullivan	June 17, 1824	Boston.
581	Sloan, Archibald	do	January 12, 1822	January 1, 1823	Boston	1	January 18, 1823	New York	March 24, 1823	New York.
582	Scott, Barritt.	do	January 2, 1823	January 18, 1823	New York	1				
583	Sabontean, Jeanty	do	November 11, 1822	November 21, 1822	New Orleans	1	March 18, 1823	New York	March 24, 1823	New York.
584	Stewart, William	Sergeant	Au ust 9, 1819	March 17, 1823	Philadelphia	1				
585	Shields, John	Private	May 30, 1822	March 13, 1823	Ship John Adams	1				
586	Sullivan, Dennis	do	August 2, 1819	June 3, 1823	Head-quarters	1	October 9, 1823	Philadelphia	December 15, 1823	Philadelphia.
587	Scribner, Charles	do	May 16, 1823	June 9, 1823	Boston	1	May 29, 1824	Boston	June 17, 1824	Boston.
588	Stewart, William	Sergeant	August 9, 1819	July 30, 1823	New York	2	August 1, 1823	Philadelphia	August 5, 1823	Philadelphia.
589	Sage, William C.	Private	May 25, 1823	July 23, 1823	New York	1				
590	Smith, Joseph	do	July 26, 1823	July 30, 1823	New York	1				
591	Smith, Charles	do	April 5, 1823	July 14, 1823	Philadelphia	1				
592	Smith, William W.	do	June 26, 1823	August 14, 1823	Head-quarters	1				
593	Swartwout, Martin J	do	September 6, 1822	August 1, 1823	Havana	1				
594	Singleton, Joseph	do	May 21, 1823	September 9, 1823	Boston	1	October 11, 1823	New York	November 12, 1823	New York.
595	Snook, Jeremiah	do	March 21, 1823	October 4, 1823	Philadelphia	1				
596	Steele, George	do	June 9, 1823	October 4, 1823	Philadelphia	1				
597	Sullivan, John	do	April 12, 1822	November 1, 1823	Boston	2	November 5, 1823	Portsmouth		
598	Sullivan, John	do	April 12, 1822	November 10, 1823	Portsmouth	3				
599	Stillwell, Benjamin	do	June 18, 1823	July 27, 1823	New York	1	July 27, 1823	New York	August 5, 1823	New York.
600	Seaman, John C.	do	June 14, 1823	December 30, 1823	Head-quarters	1				
601	Sternberg, George H.	do	September 30, 1823	December 15, 1823	New York	1	December 21, 1823	Philadelphia	December 30, 1823	Philadelphia.
602	Shuster, Jacob	do	May 3, 1822	January 10, 1824	Navy Yard Dist. Col.	1				
603	Schenck, Anthony	do	October 8, 1823	January 31, 1824	Cyane	1				
604	Singleton, Joseph	do	May 21, 1823	February 28, 1824	New York	2				
605	Smith, John	do	April 5, 1823	September, 1823	New Orleans	1				
606	Sterns, Joseph	do	November 15, 1823	March 18, 1824	New York	1				
607	Spencer, Robert T	do	August 25, 1823	December 7, 1823	Schooner Shark	1				
608	Smith, John	do	February 16, 1824	June 18, 1824	Navy Yard Dist. Col.	1				

F.—*Register of desertions from the United States marine corps*—Continued.

Number.	Names.	Rank.	Date of enlistment.	Deserted.		Number of times each man has deserted.	Taken.		Tried by court-martial.	
				When—	Where from—		When—	Where—	When—	Where—
609	Schofield, John	Drummer	August 28, 1821	June 3, 1824	New York	2	June 20, 1824	Boston		
610	Scott, William	Private	May 23, 1823	June 27, 1824	Boston	1	July 8, 1824	New York	August 9, 1824	New York.
611	Stillwell, Benjamin	do	June 18, 1823	November 24, 1823	New York	2				
612	Scott, James	Sergeant	October 19, 1821	January 2, 1824	New York	1	January 2, 1824	New York	January 7, 1824	New York.
613	Sommer, John H	Private	October 6, 1823	July 17, 1824	Philadelphia	1				
614	Speed, William	do	October 30, 1823	July 7, 1824	Boston	1	July 15, 1824	Newport		
615	Sullivan, Jeremiah	do	June 16, 1824	August 19, 1824	Head-quarters	1				
616	Swell, Michael	do	July 24, 1821	August 27, 1824	Boston	1				
617	Turner, Thomas	do	November 1, 1821	December 2, 1821	Philadelphia	1	December 20, 1822	Norfolk	March 21, 1823	Head-quarters.
618	Thompson, William	do	November 16, 1821	March 1, 1822	Philadelphia	1				
619	Tyler, Joseph	do	January 7, 1822	March 26, 1822	Philadelphia	1				
620	Tompkins, Lewis	do	April 18, 1822	July 26, 1822	New York	1				
621	Turner, Charles	do	June 10, 1822	July 16, 1822	New York	1				
622	Taylor, Wm. M.	do	April 22, 1822	August 12, 1822	Sloop Louisiana	1				
623	Taylor, William	do	October 22, 1822	February 18, 1823	Norfolk	1				
624	Thompson, John	do	January 7, 1823	May 9, 1823	Philadelphia	1				
625	Templeton, John	do	October 24, 1822	June 30, 1823	Philadelphia	1				
626	Thompson, John	do	February 15, 1823	June 25, 1823	Boston	1				
627	Thompson, James	do	May 14, 1823	June 14, 1823	New York	1				
628	Thompson, Frederick A	do	March 25, 1822	September 5, 1823	Boston	1				
629	Tripp, John D.	do	August 29, 1823	September 14, 1823	New York	1				
630	Taylor, Charles	do	June 9, 1823	October 19, 1823	Philadelphia	1				
631	Thomson, William D.	do	August 21, 1822	December 10, 1823	Charlestown, Mass.	1				
632	Throp, Morris K.	do	November 12, 1823	December 24, 1823	New York	1				
633	Terry, William	do	January 12, 1823	February 22, 1824	New York	1				
634	Turner, Thomas	do	November 1, 1821	January 5, 1824	Brig Spark	2				
635	Thompson, George	do	May 29, 1824	August 15, 1824	Philadelphia	1				
636	Twombly, David	do	July 26, 1824	August 19, 1824	Boston	1				
637	Smith, John	do	July 23, 1821	September, 1824	Franklin 74	1	October 10, 1824	Philadelphia		
638	Van Housen, Leonard T.	do	September 8, 1821	November 4, 1821	Head-quarters	1	February 8, 1823	Norfolk	March 21, 1823	Head-quarters.
639	Vreeland, Michael C.	do	May 23, 1822	December 30, 1822	New York	1	November 12, 1822	New York	December 23, 1822	New York.
640	Vanzant, Hugh	do	December 31, 1822	April 27, 1823	New Orleans	1				
641	Vernon, Arthur	do	August 19, 1823	March 24, 1824	Norfolk	1				
642	Vreeland, Michael C.	do	May 23, 1822	April 1, 1824	Boston	2	July 20, 1824	New York	August 9, 1824	New York.
643	Urban, Sebastian	do	June 16, 1821	July 11, 1824	New York	1				
644	Seaton, Edwin	do	July 15, 1820	September, 1824	Franklin 74	1	October 15, 1824	Head-quarters		

F.—*Register of desertions from the United States marine corps*—Continued.

Number.	Names.	Rank.	Date of enlistment	Deserted.		Number of times each man has deserted.	Taken.		Tried by court-martial.	
				When—	Where from—		When—	Where—	When—	Where—
645	Warfield, William L.	Private	January 20, 1821	January 29, 1822	Head-quarters	1				
646	Witsil, William S.	do	January 11, 1822	February 13, 1822	Philadelphia	1	March 8, 1822	Head-quarters	March 14, 1822	Head-quarters.
647	Williams, Stephen.	do	November 19, 1821	February 28, 1822	New York	1				
648	Wells, John	Corporal	March 27, 1822	April 10, 1822	New York	1	April 12, 1822	New York	May 2, 1822	New York.
649	Williams, Harvey	Private	February 18, 1822	May 11, 1822	Boston	1				
650	Walter, Casper	do	January 16, 1822	June 2, 1822	Philadelphia	1	October 23, 1822	Baltimore	November 26, 1822	Head-quarters.
651	Wolf, John	do	November 23, 1820	April 27, 1822	New Orleans	1				
652	Williams, Charles	do	April 18, 1822	June 1, 1822	New Orleans	1				
653	Wilkinson, William	do	July 17, 1822	July 30, 1822	New York	1				
654	Whiteland, William C.	do	June 26, 1822	September 25, 1822	New York	1				
655	Wilson, James	do	December 17, 1822	January 31, 1823	New York	1				
656	Wentzel, George	do	May 2, 1823	May 7, 1823	Philadelphia	1	July 25, 1823	Philadelphia	August 5, 1823	Philadelphia.
657	Walders, David	do	June 28, 1822	June 18, 1823	Boston	1				
658	Williams, John S.	do	June 10, 1823	June 22, 1823	New York	1				
659	Williams, Robert	do	May 16, 1823	June 7, 1823	New York	1				
660	Wood, James	do	February 18, 1823	July 8, 1823	Head-quarters	1				
661	Wright, Alexander	do	November 25, 1822	July 24, 1823	Boston	1				
662	Weed, Lysander	do	June 21, 1823	July 31, 1823	New York	1	September 4, 1823	New York	September 8, 1823	New York.
663	Wiley, George	do	December 16, 1821	July 28, 1823	Key Vacas	1				
664	Williams, Henry	do	December 26, 1821	September 19, 1823	New York	1	October 29, 1824	Norfolk		
665	Williams, Tristram	do	May 1, 1819	September 19, 1823	New York	1	September 22, 1823	New York	November 12, 1823	New York.
666	William, John C. B.	do	August 1, 1823	September 14, 1823	New York	1				
667	Wright, John	do	June 10, 1823	October 9, 1823	Boston	1	October 16, 1823	New Haven, Conn	November 12, 1823	New York.
668	Wells, John	do	March 27, 1822	October 20, 1823	Erie, Pennsylvania	2	October 28, 1823	Boston		
669	Walton, Matthew	do	October 10, 1823	October 30, 1823	New York	1				
670	Williamson, John	do	July 5, 1823	November 2, 1823	Philadelphia	1				
671	Window, Levin	do	November 14, 1821	November 23, 1823	Ship J. Adams	1	November 25, 1823	Philadelphia		
672	Weed, Lysander	do	June 21, 1823	November 7, 1823	New York	2				
673	Williams, Charles	do	November 14, 1823	December 9, 1823	Head-quarters	1				
674	Wade, George	do	January 22, 1822	November 11, 1823	Ship J. Adams	1	August 21, 1824	Philadelphia		
675	William, John	do	October 22, 1823	December 3, 1823	Philadelphia	1				
676	Whiting, Frederick	do	September 23, 1823	January 5, 1824	New York	1				
677	Walker, John	do	June 12, 1822	December 6, 1823	Schr. Fox	1				
678	White, Richard	do	June 6, 1822	February 17, 1824	Norfolk	1				
679	Williams, James Lee	Sergeant	March 18, 1823	January 26, 1824	Ship Hornet	1	October 21, 1824	Boston		
680	Wilson, John	Private	December 1, 1823	March 21, 1824	Philadelphia	1				
681	Ward, Abraham	do	December 2, 1823	March 6, 1824	Philadelphia	1	March 8, 1824	Philadelphia	April 12, 1824	Philadelphia.

F.—*Register of desertions from the United States marine corps*—Continued.

Number.	Names.	Rank.	Date of enlistment.	Deserted.		Number of times each man has deserted.	Taken.		Tried by court-martial.	
				When—	Where from—		When—	Where—	When—	Where—
682	Wilson, Samuel	Private	December 24, 1823	March 7, 1824	Philadelphia	1				
683	Wrightson, Robert	do	July 19, 1822	March 25, 1824	Boston	1	April 6, 1824	New York		
684	Weely, Peter	do	September 29, 1823	April 2, 1824	New York	1				
685	Wilson, James	do	January 6, 1824	May 25, 1824	New York	1				
686	Walter, Augustine	Drummer	January 9, 1824	May 4, 1824	Boston	1				
687	Wilkinson, William	Private	September 17, 1823	June 16, 1824	New York	1	September 16, 1824	Head-quarters	September 22, 1824	Head-quarters.
688	Walker, Thomas	do	October 8, 1820	June 21, 1824	New York	1				
689	Willey, John	do	December 25, 1820	June 3, 1824	New York	1				
690	White, Samuel	do	May 24, 1824	June 4, 1824	New York	1				
691	Wall, James	do	October 7, 1822	July 7, 1824	Boston	1	July 19, 1824	New York	August 9, 1824	New York.
692	Wathing, Bennet	do	August 6, 1824	August 27, 1824	Head-quarters	1				
693	Wheatly, Noah	do	April 3, 1821	September 22, 1824	New York	1	September 26, 1824	New York	October 4, 1824	New York.
694	Ward Abraham	do	December 2, 1823	September 26, 1824	New York	2				
695	Window, Leven	do	November 14, 1821	September 3, 1824	Philadelphia	2	September 3, 1824	New York	October 4, 1824	New York.
696	Young, Samuel	do	April 25, 1823	June 4, 1824	Navy Yard, D. C.	1				

The number of *desertions* from the United States marine corps, between the 1st of November, 1821, and the 31st of October, 1824, was six hundred and ninety-six; the number of *men* who *produced* that number of desertions, was six hundred and seven; the number taken was two hundred and sixty-five; and the number tried for desertion was one hundred and fifty-one.

SENTENCE OF THE COURT.

No. 4. To pay all the expenses of his apprehension and trial; to repay all moneys advanced to him by the government on his enlistment in the army of the United States, and to be kept five months at hard labor with ball and chain.

No. 12. To hard labor for six months, with ball and chain, in the marine barrack at head-quarters, and his payment of his portion of expenses in the trial.

No. 18. To be reduced to the ranks as a private soldier; to be kept in the cells, in solitary confinement, upon bread and water, for the term of four months; after the expiration of which term, he is to serve eight months at hard labor, with a ball and chain attached to his leg, and to have half his monthly pay stopped during the twelve months in which he shall be undergoing this punishment; and, at the expiration of that time, to be drummed out of the service with a rope round his neck.

No. 20. To pay the reward offered for his apprehension, and to pay his proportion of the expenses incident to his desertion and trial; and to have his head shaved, and drummed out of garrison.

No. 21. To be confined in the guard house, and do the garrison duty; to have his rations, of his pay stopped, and to pay the expenses of desertion and trial.

No. 28. To six months' hard labor, with a ball and chain attached to him; to forfeit all the pay that is and may be due him at the expiration of that period.

No. 31. To wear the ball and chain, at hard labor, for two years; to forfeit his pay, for that period, with the exception of so much of it as will defray his proportion of the expenses of this court, and the expenses attending his desertion; and at the end of the above time, to have one-half of his head shaved, the opposite side of his face blacked, and to be drummed out of garrison, with a halter round his neck.

No. 33. To six months' hard labor, with ball and chain; and to forfeit the pay that is and may be due him during that period, and out of the above forfeiture, to pay his proportion of the expenses of his trial; but, in consideration of his having been so short a time in the service, the court recommend him to the commandant of the corps for a remission of four months of the above penishment. Remitted.

No. 48. To hard labor, with a ball and chain, for four months, to be removed whenever the commanding officer of the post may deem it necessary to the good of the public service; to pay, out of any money that is now or may be hereafter due him, the said Thomas Britt, all the expenses attending his desertion and trial.

No. 50. To be reduced to the ranks; to six months' ball and chain, and to pay all expenses incident to trial and desertion.

No. 62. To six months' hard labor with ball and chain, in the marine barracks at head-quarters, and to pay his portion of the expenses of this court.

No. 63. To twelve months' hard labor, with the ball and chain; to forfeit his pay, now due and to grow due in that period of time, to be appropriated to the reimbursement of the expenses of his apprehension and trial.

No. 66. To six months' hard labor, with ball and chain, and pay the expenses of his trial.

No. 68. To six months' hard labor, with ball and chain; to pay his proportion of the expenses incident to his desertion and trial; but in consideration of his intention to return to barracks, as manifested to the court, the court respectfully recommend him to the commandant of the corps for a remission of three months of the hard labor with ball and chain.

No. 81. To three months' hard labor with ball and chain, and to pay his proportion of the expenses of his trial.

No. 84. To be confined to the barracks, upon usual duty, for three months, and pay the expenses of his trial.

No. 86. To be returned to the post from whence he deserted, at Gosport, Virginia, and that he pay all the expenses attending his desertion, and the expenses of this court, and be confined to hard labor, with ball and chain, for twelve months.

No. 87. To nine months' ball and chain; to have his rations of whiskey stopped, and pay the expenses of desertion and trial.

No. 94. To pay all the expenses of his apprehension and trial; to repay all the moneys advanced to him by the government on his enlistment in the army of the United States, and to be kept six months at hard labor, with ball and chain.

No. 101. To hard labor, with ball and chain, during the remainder of his term of enlistment; to forfeit all the pay which is or may be due him during the above period; and that the expenses of his desertion and apprehension, and his proportion of the expenses of this court, be paid out of the above forfeiture; that, at the expiration of the above period, he be drummed out of the garrison.

No. 105. To six months' hard labor, with a ball and chain attached to his leg; to pay all the expenses attending his desertion and trial, the same to be deducted out of any pay that is now or may be hereafter due him.

No. 114. To three months' ball and chain; to have his rations of whiskey stopped, and to pay the expenses of desertion and trial.

No. 115. To twelve months' ball and chain; to have his rations of whiskey stopped, and to pay the expenses of desertion and trial.

No. 116. To two months' ball and chain, and to pay all expenses of desertion and trial; but, in consideration of his having surrendered himself up, they, the court, recommend a remission of the ball and chain, and that he be confined to the guard house, at night, for one month, and that he perform the usual garrison duty.

No. 121. To two years' ball and chain, and to pay all expenses of desertion and trial.

No. 124. To be confined one week in the cells of the garrison, and, after the expiration thereof, to six months to the marine barracks, and to the payment of his proportion of the expense of apprehension and trial.

No. 128. To six months' hard labor, with ball and chain, and pay the expenses of his trial.

No. 129. To six months hard labor, with ball and chain, in the marine barracks at head quarters, and to pay his quota of the expenses of his trial; but, in consequence of his having surrendered himself two and a half days after the time at which he is charged with desertion, they recommend him for a remission of one-half of the term of six months' hard labor as aforesaid.

No. 132. To six months' ball and chain, and to pay all expenses of desertion and trial.

No. 136. To three months' ball and chain, and pay all expenses of desertion and trial.

No. 138. To three months ball and chain, and to pay all expenses of desertion and trial.

No. 143. To three months' confinement on bread and water; and, at the expiration of the above period, to be drummed out of the garrison; to pay the reward offered for his apprehension; and to pay his proportion of the expenses incident to his desertion and trial; but, in consideration of the general good conduct of the prisoner, the court respectfully recommend him to the lieutenant colonel commandant for a remission of that part of the above sentence which directs the prisoner to be drummed out of garrison.

No. 144. To three months' ball and chain; to have his rations of whiskey stopped, and to pay the expenses of desertion and trial.

No. 152. To forfeit his pay due to him, and to be drummed out of the barracks; his proportion of the said pay to be appropriated towards defraying the expenses of this court.

No. 154. To be confined at hard labor for two months, and that the expenses incident to his desertion and trial be deducted from his pay.

No. 160. To three months' ball and chain, and to pay all expenses of desertion and trial.

No. 161. To three months at hard labor, with ball and chain, and to pay a proportion of the expenses, with the other prisoners, incurred by their trial.

No. 165. To six months' hard labor, with ball and chain, and that the expenses of his apprehension and trial be deducted from his pay.

No. 167. To be returned to his post, and to be thereafter employed at hard labor, with ball and chain, for the term of six calendar months, and that he undergo such monthly stoppages as shall pay the expenses of his apprehension and trial, as well as of his being returned to his post.

No. 172. To be reduced to the ranks; to walk post twenty nights, with twenty pounds' weight on his back, from tattoo to reveille; and thirty days' solitary confinement in the cells, on bread and water, and pay all expenses attending his desertion.

No. 183. To three months' hard labor, with ball and chain, and that the expenses of his apprehension and trial be deducted from his pay.

No. 189. Three months' hard labor, with a ball and chain affixed to his leg, and to pay his proportion of the expenses of the trial.

No. 190. To two months solitary confinement in the cells, on bread and water; and when that period shall have expired, to serve six months at hard labor, during which period he is to be confined every night in the guard room; and, moreover, to have half his monthly pay stopped for the term of eight months.

No. 194. To three months' ball and chain, and to pay all expenses of desertion and trial.

No. 209. To four months' hard labor, with ball and chain, and to pay all expenses attending his desertion and trial; and, at the expiration of the four months' hard labor, to be drummed out of garrison in the usual way.

No. 213. To pay all the expenses of his trial, and to be kept three months at hard labor, with ball and chain.

No. 219. To three months' ball and chain, and to pay all expenses of desertion and trial.

No. 223. To four months' hard labor, with ball and chain; to pay his proportion of the expenses incident to his desertion and trial; and, at the expiration of the above period, to be drummed out of garrison; but, in consideration of the general good conduct of the prisoner, the court respectfully recommend him to the commandant of the corps for a remission of the drumming out of the garrison.

No. 225. To six months' hard labor, with ball and chain, and that the expenses of his apprehension and trial be deducted from his pay.

No. 227. To three months' ball and chain; to have his rations of whiskey stopped, and to pay the expenses of desertion and trial.

No. 228. To three months' hard labor, with ball and chain, and that the expenses of his apprehension and trial be deducted from his pay.

No. 236. To pay all the expenses of his apprehension and trial, and to be kept four months at hard labor, with ball and chain.

No. 242. To pay all the expenses of his apprehension and trial, and to be kept three months at hard labor, with ball and chain.

No. 245. To the ball and chain during the remainder of his term of enlistment, and to pay the expenses of his trial and desertion.

No. 246. To three months' ball and chain, and to pay all expenses of desertion and trial.

No. 262. To two years' hard labor, with ball and chain; and to forfeit his pay during the above period, with the exception of so much as will pay his proportion of the expenses of this court, the expenses incident to his desertion, and to be drummed out of garrison, with a halter round his neck, at the expiration of the above period.

No. 275. To two years' solitary confinement on bread and water; to forfeit the pay that is and may be due to him; and out of his pay, forfeited as above, to pay his proportion of the expenses incident to his desertion and trial; and at the expiration of the above period, to be drummed out of garrison; but, in consideration of his long confinement as a prisoner, the court respectfully recommend to the lieutenant colonel commandant, that the above term of solitary confinement be remitted, and that the prisoner be forthwith drummed out of the garrison.

No. 280. To forfeit the pay that is and may be due him; and, out of the pay forfeited as above, to pay his proportion of the expenses incident to his desertion and trial; to have his head shaved, and to be drummed out of garrison, as unworthy of being a soldier.

No. 287. To twelve months' ball and chain, and to pay all expenses of desertion and trial.

No. 290. To three months' ball and chain, and to pay all expenses of desertion and trial.

No. 292. To six months' hard labor, with ball and chain, and to pay his proportion of the expense incident to his desertion and trial; but, in consideration of his long confinement and general good character, as testified to the court, the court respectfully recommend him to the commandant of the corps for a remission of five months of the hard labor with ball and chain.

No. 294. To six months' ball and chain, and to pay all expenses of desertion and trial.

No. 308. To hard labor, with a ball and chain, during the remainder of his term of service as a soldier in the marine corps; to forfeit all his pay due and to grow due during that period of time; such part thereof as may be necessary for that purpose, to be appropriated to the reimbursement of the expenses of his apprehension and trial; and, at the expiration of his sentence, to have his head shaved, and be drummed out of the service.

No. 311. The court sentence him, in consideration of his youth in service, only to walk post ten nights, under charge of a sentinel, and to be confined in the cells, to bread and water, thirty days, and pay the expenses of his trial.

No. 320. To three months solitary confinement, on bread and water; and at the expiration of the above period, to be drummed out of garrison; to pay the reward offered for his apprehension, and to pay his proportion of the expenses incident to his desertion and trial; but, in consideration of the general good conduct of the prisoner, the court respectfully recommend him to the lieutenant colonel commandant for a remission of that part of the above sentence which directs the prisoner to be drummed out of garrison.

No. 331. To twelve months' ball and chain; and to pay all expenses attendant upon his trial and desertion, and advances received by enlistment in the army.

No. 334. To hard labor, with ball and chain, for six months, and to pay all expenses of desertion and trial.

No. 339. To six months' hard labor, with ball and chain, and that the expenses of his apprehension and trial be deducted from his pay.

No. 348. To pay all the expenses of his apprehension and trial; to repay all moneys advanced to him by government on his enlistment in the army of the United States, and to be kept five months at hard labor with ball and chain.

No. 349. To two months' hard labor, with ball and chain, and to pay all the expenses attending his desertion and trial. The court wish to be understood as mitigating the punishment in this case, in consequence of the prisoner s inexperience.

No. 357. To hard labor, with ball and chain, for six months; and to pay for all the articles stolen, and the expenses attending his apprehension and trial; and, at the expiration of the said six months, that he be drummed out of the service of the United States.

No. 358. To three months' solitary confinement in the cells, on bread and water; to forfeit his pay during that period, and to pay his proportion of the expenses incident to his apprehension and trial; to nine months' hard labor, with ball and chain, and to forfeit his pay during the above period; but, in consideration of his youth, and his being a recruit, the court recommend him to the commandant of the corps for a remission of the last nine months of the foregoing sentence.

No. 361. To be put to hard labor, with ball and chain, at this post, or any other post to which he may be transferred, military or naval, until the 1st day of November, A. D. 1824; to pay all the expenses of desertion and trial, and to be drummed out of the service.

No. 363. To three months' ball and chain; to have his rations of whiskey stopped, and to pay the expenses of desertion and trial.

No. 365. To six months' ball and chain, and pay all expenses of desertion and trial.

No. 367. To six months' ball and chain, and to pay all expenses of desertion and trial.

No. 370. To six months' ball and chain, and to pay the expenses of desertion and trial; also, to have his rations of whiskey stopped.

No. 372. To be reduced to the ranks; to hard labor, with ball and chain attached to his leg, six months, and to pay the expenses of his trial.

No. 373. To one year's hard labor, with ball and chain, and that the expenses attending his apprehension and trial be deducted from his pay.

No. 375. To six months' confinement in a solitary cell, on bread and water; that the expenses of his apprehension and trial be deducted from his pay, and, at the expiration of his sentence, that his head be shaved, and be drummed out of the corps in the usual manner in such cases.

No. 378. To two months' confinement in the cells, on bread and water; and at the expiration of that time, to be restricted to the barracks for twelve months, and to forfeit the pay that is or may be due him during the foregoing period.

No. 379. To be reduced to the ranks; to be confined at hard labor for two months, and that the expenses incident to his desertion and trial be deducted from his pay.

No. 396. To twelve months' hard labor, with ball and chain; to forfeit his pay, now due and to grow due in that period of time, to be appropriated to the reimbursement of the expenses of his trial.

No. 398. To four years' hard labor, with ball and chain; and to forfeit his pay during the above period, and out of the above forfeiture to pay his proportion of the expenses incident to his desertion and trial; but, in consideration of the youth of the prisoner, the court respectfully recommend him to the commandant of the corps for a remission of three years hard labor, with ball and chain, and, at the expiration of the remaining period, do adjudge that the said prisoner be drummed out of garrison.

No. 401. To three months' hard labor, with ball and chain, and that the expenses of his apprehension and trial be deducted from his pay.

No. 402. To six months' hard labor, with ball and chain attached to him; to forfeit the pay that is and may be due to him at the expiration of that period.

No. 403. To six months' hard labor, with ball and chain; to have his pay and grog stopped during that period, and to pay his proportion of the expenses attending this court.

No. 414. To six months' hard labor, with ball and chain attached to his leg; to pay all the expenses attending his desertion and trial, the same to be deducted from any pay that is now, or may be hereafter due him.

No. 417. To two months solitary confinement, on bread and water; at the expiration thereof to pass the remainder of his term of enlistment at hard labor, with ball and chain, and to pay all expenses attending his desertion and trial.

No. 418. To six months' hard labor, with ball and chain, in the usual manner, and to pay all the expenses attending his desertion and trial.

No. 419. To hard labor, with a ball and chain, until enough pay shall accrue to him to pay the expenses attending his desertion; to pay nineteen dollars to Lieutenant Lorry, the estimate value of his coat, and to pay his proportion of two days' expenses of this court, and, at the expiration of that time, to be drummed out of barracks, with the Rogue's March, and the usual tokens of disgrace.

No. 420. To twelve months' solitary confinement, and to pay his proportion of the expenses incident to his desertion and trial; but, in consideration of the general good conduct of the prisoner, the court respectfully recommend him to the lieutenant colonel commandant for a remission of eleven months of the solitary confinement.

No. 424. To pay all expenses of his apprehension and trial, and to be kept two months at hard labor, with ball and chain.

No. 426. To twelve months at hard labor, with ball and chain; to forfeit the pay that is and may be due him during the above period; and out of the foregoing forfeiture to pay his proportion of the expenses incident to his desertion and trial, and, at the expiration of the above period to be drummed out of the garrison.

No. 428. To six months hard labor, with ball and chain; to pay the expenses incurred by his desertion, and to pay his proportion, with the other prisoners, of the expenses of this court.

No. 429. To six months ball and chain, and to pay all expenses attendant upon his trial and desertion.

No. 431. To four months' ball and chain, and at the expiration of the said term to be drummed out of the garrison, with a halter round his neck.

No. 432. To six months' ball and chain, and to pay all expenses of desertion and trial.

No. 440. To three months ball and chain, and to pay all expenses of desertion and trial.

No. 441. To be punished by hard labor, with the ball and chain, for the space of three months; and to be confined in the guard room of nights, and to pay the expenses attending his arrest and trial.

No. 446. To six months' hard larbor, with ball and chain, and to pay his proportion of the expenses of this court.

No. 450. To six months' ball and chain, and to pay all expenses of desertion and trial.

No. 451. To twelve months' ball and chain; to have his rations of whiskey stopped, and to pay the expenses of desertion and trial.

No. 458. To six months' hard labor, with ball and chain, and two months' cells, upon bread and water; but, in consideration of his previous confinement, the court recommend to the colonel commandant a remission of that part which punishes by imprisonment in the cells for two months; and to pay the expenses of his trial.

No. 465. To be confined to the barracks at hard labor, with ball and chain, twelve months; but, in consequence of having surren-

dered himself so soon after desertion, the court recommend a remission of eight months' confinement; to pay his proportion of the expenses of the court.

No. 474. To three months' hard labor, with a ball and chain, and to pay his proportion of the expenses incurred by the sitting of this court.

No. 475. To twelve months' ball and chain, and to pay all expenses of desertion and trial.

No. 493. To be confined to the cells of the barracks for one month, on bread; pay his proportion of the expenses of the trial, and, at the end of the above period, to be drummed out of the barracks.

No. 496. To forfeit all the pay that is or may be due to him, and to be drummed out of the garrison.

No. 508. To be punished by six months' hard labor, with ball and chain attached to his leg; to pay the expenses attending his desertion and trial, the same to be deducted from any pay that is or may be due him.

No. 511. To hard labor, with ball and chain, six months, and to pay all expenses of desertion and trial.

No. 512. To twelve months' ball and chain, and to pay all expenses of desertion and trial.

No. 534. To be kept at hard labor, with ball and chain, until his pay account shall be settled; to pay the expenses of his trial, and, when his pay account shall be settled, to be drummed out of garrison in the usual manner.

No. 536. To eighteen months' hard labor, with ball and chain; and to have the pay now due, and which may be due to him, stopped during the above period; and to pay his proportion of the expenses incident to his apprehension and trial; and at the expiration of the above period to have his head shaved, and be drummed out of garrison.

No. 538. To three months' ball and chain, and to pay all expenses of desertion and trial.

No. 540. To three months' hard labor, with ball and chain; to forfeit his pay during the above period, and out of the above forfeiture to pay his proportion of the expenses of this court.

No. 545. To be confined one week in the cells of the garrison; and after that time, six months to the marine barracks at head-quarters, subject, also, to the payment of his portion of expenses in his apprehension and trial.

No. 550. To twelve months' labor, with ball and chain; to forfeit his pay now due, and to grow due in that period of time, to be appropriated to the reimbursement of the expenses of his apprehension and trial; but, in consideration of his inexperience as a soldier, (the person being but few months in the service,) the court respectfully recommend him to the commandant of the corps as a fit object for the remission of six months of his sentence.

No. 554. To hard labor, with ball and chain, for the remainder of his service; to pay the expenses of desertion and trial; to have his rations of whiskey stopped, and, at the expiration of his time, to be drummed out of service.

No. 555. To be reduced to the ranks; to hard labor, with ball and chain attached to his leg, for twelve months, and to pay the expenses of his trial.

No. 557. To three months' hard labor, with ball and chain, and that the expenses of his apprehension and trial be deducted from his pay.

No. 563. To six months' hard labor, with ball and chain to his leg, and to pay his proportion of the expenses of the trial, and all the expenses of his desertion.

No. 564. To be confined at hard labor for two months, and that the expenses incident to his desertion and trial be deducted from his pay.

No. 578. To four months' hard labor, with ball and chain; and at the expiration of that time to be confined twelve months to the barracks; and to pay the expenses attending his desertion; and when the term of his confinement to the barracks shall cease, to forfeit all the pay that may be due him, to the United States, and to pay his proportion of the expenses of this court.

No. 580. To walk post twenty nights with twenty pounds' weight on his back, from tattoo to reveille; and thirty days' solitary confinement, on bread and water, in the cells; at the expiration of the above term, to be continued to hard labor until a sufficient amount shall be due him to pay the expenses attending his desertion, and be then dismissed the service, as worthless.

No. 581. To six months' ball and chain, and to pay all expenses incident to his trial and desertion.

No. 583. To be reduced to the ranks; to six months' ball and chain, and to pay all expenses incident to trial and desertion.

No. 586. To six months' hard labor, with ball and chain, and to pay his proportion of the expenses incident to his desertion and trial; but, in consideration of his long confinement, and good conduct whilst a prisoner, the court respectfully recommend him to the commandant of the corps for a remission of four months of hard labor with ball and chain.

No. 587. The court sentence him, in consideration of his youth in service, only to walk post ten nights under charge of a sentinel; and to be confined in the cells thirty days, on bread and water, and to pay the expenses of his trial.

No. 588. To be reduced to the ranks; to serve six months at hard labor, with ball and chain; to forfeit the pay that is and may be due to him during the above period; and out of his pay, forfeited as above, to pay his proportion of the expenses of this court, and the expenses incident to his desertion; and, at the expiration of the above period, to be drummed out of garrison.

No. 594. To three months' ball and chain, and to pay all expenses of desertion and trial.

No. 599. To two years' ball and chain, and pay the expenses of desertion and trial.

No. 601. To three months' hard labor, with ball and chain; to forfeit his pay during the said period; and out of the said forfeiture to pay his proportion of the expenses of this court, and, at the expiration of the above period, to be drummed out of garrison.

No. 610. To nine months' ball and chain; to have his rations of whiskey stopped, and to pay the expenses of desertion and trial.

No. 612. To be reduced to the ranks, and to pay the expenses of his desertion and trial; but, in consideration of his former good conduct, recommend that he be reinstated.

No. 617. To four months at hard labor, with ball and chain; to pay the expenses attending his desertion, and his proportion of the expenses of the court.

No. 638. To have his head shaved, his face blacked, and then to be drummed out of barracks, with the Rogue's March, and the other usual tokens of disgrace; and to forfeit all the pay that may be due him, out of which is appropriated a proportion of the expenses of this court.

No. 639. To pay all expenses of his trial, and that he pass three months at hard labor, with ball and chain.

No. 642. To six months' ball and chain; and have his rations of whiskey stopped; and to pay all the expenses of his desertion and trial.

No. 646. To be confined for one month to the cells of these barracks, upon bread and water, and to pay his proportion of the expenses of the trial.

No. 648. To be reduced to the ranks; to be confined to hard labor for two months, and that the expenses incident to his desertion and trial be deducted from his pay.

No. 650. To hard labor for three months, with a ball and chain, and to pay a proportion of the expense, with the other prisoners, incurred by this trial.

No. 656. To six months' solitary confinement, on bread and water, and to pay his proportion of the expenses incident to his desertion and trial; but, in consequence of the inexperience of the prisoner as a soldier, the court respectfully recommend him to the lieutenant colonel commandant, for a remission of five months of the solitary confinement.

No. 662. To six months' ball and chain, and to pay all expenses of desertion and trial.

No. 665. To six months' ball and chain, and to pay all expenses of desertion and trial.

No. 667. To six months' ball and chain, and to pay all expenses of desertion and trial.

No. 681. To serve the remainder of his term of enlistment at hard labor, with ball and chain; to forfeit the pay that is and may be due to him; and out of the foregoing forfeiture, to pay his proportion of the expenses incident to his desertion and trial; and at the expiration of the above period to be drummed out of garrison; but, in consideration of the youth of the prisoner, the court respectfully recommend him to the commandant of the corps, that the said prisoner be drummed out of garrison at the expiration of six months of the above period.

No. 687. To be confined to the barracks, at hard labor with ball and chain, for twelve months; but they recommend the commandant to remit four months thereof; to pay his proportion of the expenses of this court.

No. 691. To three months' ball and chain; to have his rations of whiskey stopped, and to pay the expenses of desertion and trial.

No. 692. To three months' hard labor, with ball and chain, and that the expenses of his apprehension and trial be deducted from his pay.

No. 695. To three months' hard labor, with a ball and chain, and that the expenses of his trial be deducted from his pay.

PARKE G. HOWLE, *Adjutant and Inspector.*

HEAD-QUARTERS OF THE MARINE CORPS,
Adjutant and Inspector's Office, Washington, November 18, 1824.

G.

Marines tried by a court-martial, for other offences than desertion, between the 1st November, 1821, and the 31st October, 1824; amounting in all to 191.

No.	Names.	When tried.	Where tried.
1	Andrew Hines	December 11th, 1821	Head-quarters.
2	Martin Barnes	do	do
3	Frederick Koffman	do	do
4	Patrick Hannagan	November 26th, 1821	do
5	William L. Warfield	do	do
6	John G. Laskey	do	do
7	Samuel Prichard	do	do
8	Jonathan Brown	do	Boston, Mass.
9	John Boehmen	December 17th, 1821	Philadelphia.
10	Charles Blake	do	do
11	Seymour Stout	January 4th, 1822	Head-quarters.
12	William Neiper	do	do
13	John Casely	do	do
14	Jacob Goheen	do	do
15	Samuel Whitehouse	do	do
16	James Belcher	do	do
17	Daniel Quinn	January 5th, 1822	do
18	Michael Byone	do	do
19	Lyman Potter	January 30th, 1822	do
20	John Nash	do	do
21	Caleb Foster	do	do
22	John B. Picquett	do	do
23	James Shamer	do	do
24	Alexander Johnson	do	do
25	Samuel D. Richman	February 14th, 1822	Philadelphia.
26	John Gibson	do	do
27	Jacob Goheen	March 14th, 1822	Head-quarters.
28	Nicholas Balvine	do	do
29	Dudley Avery	do	do
30	Daniel M'Neill	April 25th, 1822	do
31	John Dixon	do	do
32	William Lane	do	do
33	Jacob Stipe	do	do
34	Wm. S. Witsel	May 16th, 1822	do
35	Thomas Wingate	do	do
36	Jacob Danielson	do	do
37	William Botsford	do	do
38	John Flova	do	do
39	Samuel Pritchard	do	do
40	Luke Duncan	do	do
41	Dennis Sullivan	do	do
42	Daniel Bartlett	May 1st, 1822	Philadelphia.
43	Henry Johnson	do	do
44	William Lanthorn	May 2d, 1822	do
45	Henry Johnson	May 29th, 1822	do
46	Daniel T. Bartlett		
47	James Boyle	May 2d, 1822	New York.
48	James Scott	do	do
49	Robert alias Richard Walsh	do	do
50	Christopher Belton	do	do
51	George W. Munro	do	do
52	Alexander Coen	do	do
53	Edward Steward	June 5th, 1822	Head-quarters.
54	William Wickum	do	do
55	Simmons Caton	do	do
56	John Simons	do	do
57	Anthony Harmon	do	do
58	Samuel Whitehouse	do	do
59	Daniel Quinn	do	do
60	John Murphy	do	do
61	Alexander Johnson	do	do
62	Rudolph Brigard	do	do
63	James Shamer	do	do
64	Edward Steward	January 14th, 1823	do
65	David Brown	do	do
66	Timothy Battle	do	do
67	Seymour Stout	do	do
68	George Burnett	do	do
69	Francis Howland	do	do
70	Jacob Lewis	February 20th, 1823	Philadelphia.
71	Tristram Williams	March 24th, 1823	New York.

G.—Continued.

.	Names.	When tried.	Where tried.
72	Daniel M'Devit	March 24th, 1823	New York.
73	Thomas Crawford	do	do
74	Absalom Kirby	do	do
75	Michael Flanagan	do	do
76	Peter Mason	do	do
77	William Brown	do	do
78	William Miller	do	do
79	John M. Keenan	April 2d, 1823	Boston, Mass.
80	James P. Welch	do	do
81	John Burke	do	do
82	John Marlow	do	do
83	Frederick A. Thompson	do	do
84	Ruliff Conover	April 28th, 1823	New York.
85	Alexander Coen	do	do
86	Daniel Chapin	May 26th, 1823	Navy yard, D C.
87	Samuel Cove	June 11th, 1823	New York.
88	Joshua Hall	do	do
89	William Rob rts	do	do
90	John Pritchard	do	do
91	John Bislin	August 2d, 1823	Head-quarters.
92	Dudley Avery	do	do
93	Michael Tierney	do	do
94	William Glenn	August 5th, 1823	New York.
95	James Davis	do	do
96	Peter M. Dobs	do	do
97	Jacob De Hart	do	do
98	John Wells	do	do
99	Thomas Crawford	do	do
100	John May	do	do
101	John C. Knorr	August 20th, 1823	Boston, Mass.
102	William Roberts	September 8th, 1823	New York.
103	Stephen Delisle	do	do
104	Levi Porter	do	do
105	Archibald Sloan	do	do
106	Andrew Pride	do	do
107	Patrick Hynes	do	do
108	Ruliff Conover	do	do
109	Robert B. Harris	do	do
110	Samuel Lee, jr.	November 12th, 1823	do
111	Robert Killpatrick	December 15th, 1823	Philadelphia.
112	Seth B. Alby	do	do
113	Theodore Meyer	December 30th, 1823	do
114	Robert Varick	January 7th, 1824	New York.
115	Jacob De Hart	do	do
116	Charles M'Intyre	do	do
117	Charles M. Bradstreet	do	do
118	John M'Ewen	do	do
119	Jonathan Joseph	do	do
120	Christopher Belton	do	do
121	Jonathan Donelly	January 2d, 1823	Boston, Mass.
122	William Smith	do	do
123	James Hart	do	do
124	Joseph Gibbons	February 18th, 1824	Head-quarters
125	James Davis	do	do
126	Oriel T. Thomas	do	do
127	Vincent Martin	do	do
128	Jacob Danielson	do	do
129	Frederick Poole	March 22d, 1824	do
130	Francis Gurton	do	do
131	Michael Tierney	do	do
132	Israel Morton	do	do
133	William Deaz	do	do
134	William Fleming	May 4th, 1824	do
135	James M'Intyre	do	do
136	Godfrey Epley	do	do
137	John Vanderzees	do	do
138	Isaac K. Meason	do	do
139	Henry Hickson	do	do
140	Chatham Carter	do	do
141	Jacob De Hart	February 6th, 1823	New York.
142	John Maloney	do	do
143	John Kelly	do	do
144	Oreal T. Thomas	June 11th, 1824	Head-quarters.
145	John Vanderzee	do	do

G.—Continued.

No.	Names.	When tried.	Where tried.
146	Jacob Danielson	June 11th, 1824	Head-quarters.
147	Joseph Gibbons	do	do
148	William Malony	do	do
149	Martin Conning	June 17th, 1824	Boston, Mass.
150	Martin Winningham	do	do
151	John Leake	July 30th, 1824	Head-quarters.
152	Richard Herbert	do	do
153	Joseph Gibbons	August 4th, 1824	do
154	Eli Stevenson	do	do
155	Silas Owens	do	do
156	James Shamer	do	do
157	William Smith	do	do
158	Peter Wickars	August 9th, 1824	Philadelphia.
159	William Bradley	do	do
160	Eli Stevenson	August 24th, 1824	Head-quarters.
161	William Fleming	do	do
162	William Lane	do	do
163	John G. Luskey	September 22d, 1824	do
164	Robert M'Cormick	do	do
165	William Lane	do	do
166	Eli Stevenson	do	do
167	Horatio Cross	do	do
168	John Flora	do	do
169	John W. Simmes	do	do
170	Jacob Stipe	August 12th, 1822	do
171	Benjamin Craig	do	do
172	Jacob Shuster	October 7th, 1822	do
173	John Wimer	do	Philadelphia.
174	John Conner	do	do
175	William Bevlin	do	New York.
176	John Doran	do	do
177	John Laughlin	do	do
178	James B. Ervine	November 26th, 1822	Head-quarters.
179	Daniel North	do	do
180	Thomas Cuddy	December 7th, 1822	do
181	Henry Alford		
182	James Bryan	do	do
183	John Baxter	do	do
184	William Johnston	December 23d, 1822	New York.
185	Joseph B. Lamb	November 24th, 1824	Boston, Mass.
186	Jonathan Brown	do	do
187	John Burke	do	do
188	Albert Patterson	do	do
189	Patrick Queen	do	do
190	Abraham Reeve	April 12th, 1824	Philadelphia.
191	James Roach	do	do

SENTENCE OF THE COURT.

No. 1. To two months' hard labor, with a ball and chain affixed to his leg, and to pay his proportion of the expenses of the trial. Sentence remitted.

No. 2. To three months' hard labor, with ball and chain affixed to his leg, and to pay his proportion of the expenses of the trial.

No. 3. Acquitted.

No. 4. To be drummed out of garrison, and to pay his proportion of the expenses attending his trial.

No. 5. To be confined to two months' hard labor, with a ball and chain attached to him; his grog to be stopped during the period, and to pay his proportion of the expenses attending his trial.

No. 6. To be reduced to the ranks; to be confined to the barracks six months; his grog to be stopped during the same period, and to pay his proportion of the expenses attending his trial; but, on his being recommended by the court, that part of the sentence relative to the reduction, and stoppage of his grog, is remitted by the lieutenant colonel commandant.

No. 7. To be reduced to the ranks; to be confined six months to barracks; his grog to be stopped during the same period, and to pay his proportion of the expenses attending his trial.

No. 8. To be confined in the cells for the period of one month; but, in consideration of the language made use of by Lieut. Howard to the prisoner, do recommend a remission of the sentence. Remitted.

No. 9. To be discharged from the service of the United States.

No. 10. To two months' hard labor, with ball and chain attached to him, and to have his pay stopped during that period.

No. 11. To six months' hard labor, with ball and chain attached to him; to pay one-third of the expenses attending the court-martial, and to pay Joseph Beasley twenty-six dollars for the razors which he had fraudulently obtained from said Beasley.

No. 12. To two months' hard labor, with ball and chain attached to him, and to pay his just proportion of the expenses attending the court-martial.

No. 13. One month hard labor, with ball and chain attached to him, and to pay his just proportion of the expenses attending his trial.

No. 14. One month hard labor, with ball and chain attached to him, and to pay his just proportion of the expenses attending his trial.

No. 15. Three months' hard labor, with a ball and chain attached to him, and to pay his just proportion of the expenses attending his trial.

No. 16. Three months' hard labor, with a ball and chain attached to him, and to pay his just proportion of the expenses attending his trial.

No. 17. Three months' hard labor, with a ball and chain attached to him, and to pay his just proportion of the expenses attending his trial.

No. 18. Three months' hard labor, with a ball and chain attached to him; and to pay his just proportion of the expenses attending his trial; and, at the expiration of his sentence to hard labor with a ball and chain, to be drummed out of barracks.

No. 19. To be confined in the cells of these barracks for one month, on bread and water; at the end of which period that he be discharged the service, and that he pay the proportion of the expenses of the trial.

No. 20. To be confined in the cells of these barracks for six months on bread and water; be kept for six months more at hard labor, with a ball and chain affixed to his leg; at the end of which period, that he have one-half of his head shaved, and be drummed out of barracks; and that he pay his proportion of the expenses of the trial.

No. 21. To be reduced to the ranks; confined to the cells of these barracks for two months, on bread and water; pay his proportion of the expenses of the trial, and the sum of three dollars to Benson M. Kenny, and, at the expiration of the above period, that he have half of his head shaved, and be drummed out of barracks.

No. 22. Sentence remitted by the lieutenant colonel commandant.

No. 23. To be confined to the cells of these barracks for two months, on bread and water, and to pay his proportion of the expenses of his trial.

No. 24 To be confined for three months in the cells of these barracks, on bread and water, and to pay his proportion of the expenses of the trial.

No. 25. To have his head shaved, and the opposite side of his face blacked; to have a halter round his neck, and to be drummed out of barracks; to forfeit his pay, his proportion of said pay to be appropriated towards defraying the expenses of this court.

No. 26. To three months' hard labor, with ball and chain; to have his pay and grog stopped during that time, his proportion of said pay to be appropriated towards the expenses of this court.

No. 27. To be confined to hard labor for one month, with a ball and chain affixed to his leg, and to pay his proportion of the expenses of the trial.

No. 28. To be kept at hard labor for one month, with a ball and chain affixed to his leg; be confined to barracks one month more; have his rations of spirit stopped the whole time, and pay his proportion of the expenses of the trial.

No. 29. To be confined to the cells of these barracks for two months; pay for the musket and bayonet he lost, and his proportion of the expenses of the trial.

No. 30. To be confined for three months to hard labor, with a ball and chain affixed to his leg, and pay his proportion of the expenses of the trial.

No. 31. To be confined to hard labor for six months, with a ball and chain affixed to his leg, and pay his proportion of the expenses of his trial.

No. 32. To be confined to hard labor for six months, with a ball and chain affixed to his leg, and pay his proportion of the expenses of the trial.

No. 33. To be confined to hard labor for six months, with a ball and chain affixed to his leg, and pay his proportion of the expenses of the trial. Remitted on recommendation of the court.

No. 34. To six months' hard labor, with a ball and chain affixed to his leg, and to pay his proportion of the expenses of the trial.

No. 35. To six months' hard labor, with a ball and chain affixed to his leg, and to pay his proportion of the expenses of the trial.

No. 36. To hard labor for three months, with a ball and chain to his leg, and to pay his proportion of the expenses of the trial.

No. 37. To hard labor for four months, with a ball and chain to his leg, and to pay his proportion of the expenses of his trial.

No. 38. To one month hard labor, with a ball and chain to his leg, and to pay his proportion of the expenses of his trial.

No. 39. To one month hard labor, with a ball and chain to his leg, and to pay his proportion of the expenses of the trial. Remitted on recommendation of the court.

No. 40. To six months' hard labor, with a ball and chain to his leg, and to pay his proportion of the expenses of his trial. The former part of the sentence remitted on the recommendation of the court, in consideration of his general good conduct.

No. 41. To one month hard labor, with a ball and chain to his leg, and to pay his proportion of the expenses of the trial.

No. 42. To twelve months' confinement in the cells, upon bread and water, and to forfeit the pay that is or may be due him during the above period. Eleven months of the foregoing sentence remitted on the recommendation of the court.

No. 43. To twelve months' confinement in the cells, upon bread and water, and to forfeit the pay that is or may be due him during the above period. Eleven months of the foregoing sentence remitted on the recommendation of the court.

No. 44. To forfeit the pay that is or may be due to him; to have his head shaved, and to be drummed out of garrison.

Nos. 45 and 46. To wear the double yoke, with a thirty-two pound shot suspended from the centre of the yoke, for one week; to be kept at hard labor on bread and water during that time, and to forfeit so much of their pay as will defray their proportions of the expenses of this court. This sentence to take effect from and after the expiration of their present sentence.

No. 47. To be confined at hard labor for three months, with a ball and chain affixed to his leg; that

the expenses of his trial be deducted out of his pay, and that, at the end of the period of his confinement, he be drummed out of garrison.

No. 48. That the expenses of his trial be deducted out of his pay, and that he be reduced; but, in consideration of his former good conduct, that he be recommended to his rank and station.

No. 49. That he pay the expenses of his trial, and be confined in the cells on bread and water.

No. 50. That he be confined in the guard room for one month, and that the expenses of his trial be deducted out of his pay; but that, in consideration of his former good conduct, the punishment by confinement be recommended to be remitted.

No. 51. To be punished by deducting the expenses of his trial from his pay, and that he be confined at hard labor for two months, with a ball and chain affixed to his leg; but, in consideration of his youth and inexperience, the court recommends a remission of the confinement and labor.

No. 52. Acquitted.

No. 53. To be reduced to the ranks, and pay his proportion of the expenses of this trial; but, in consequence of his general good conduct, the court recommend a remission of the former part of the sentence.

No. 54. To be confined to hard labor for two months, with a ball and chain to his leg, and pay his proportion of the expenses of the trial.

No. 55. To be confined to hard labor for two months, with a ball and chain to his leg, and pay his proportion of the expenses of the trial.

No. 56. To be confined to hard labor for two months, with a ball and chain to his leg, and pay his proportion of the expenses of the trial.

No. 57. To be confined to hard labor for one month, with a ball and chain to his leg, and pay his proportion of the expenses of the trial.

No. 58. To be confined to hard labor for one month, with a ball and chain to his leg, and pay his proportion of the expenses of the trial.

No. 59. To be confined to hard labor for one month, with a ball and chain to his leg, and pay his proportion of the expenses of the trial.

No. 60. To be forthwith discharged from the service.

No. 61. To be confined to hard labor for two months, with a ball and chain to his leg, and pay his proportion of the expenses of this trial.

No. 62. To be confined to hard labor for three months, with a ball and chain to his leg; and that so much of his pay be stopped as will be sufficient to pay the bills which he contracted on account of the marine mess in the time specified in the charge and specification against him; and to pay his proportion of the expenses of the trial, and that he be drummed out of barracks and dismissed the service.

No. 63. To be confined for one month in the cells of these barracks, on bread and water, and to pay his proportion of the expenses of the trial.

No. 64. To be reduced to the station of a private sentinel; but, in consideration of his general good conduct, recommend him to the mercy of the lieutenant colonel commandant for a remission of his sentence; but to pay his proportion of the expenses of this court.

No. 65. To three months at hard labor, with a ball and chain; and at the expiration of that time, to be confined six months to barracks, and to pay his proportion of the expenses of this court.

No. 66. To three months at hard labor, with a ball and chain; but, in consideration of his long services and general good conduct, recommend him to the mercy of the lieutenant colonel commandant for a remission of his sentence; but to pay his proportion of the expenses of this court.

No. 67. Acquitted.

No. 68. To two weeks at hard labor, with ball and chain.

No. 69. To be confined three months to barracks on the black list.

No. 70. To twelve months' hard labor, with ball and chain; to forfeit his pay during that period, to pay his proportion of the expenses incident to his trial; but, in consideration of the defence of the prisoner, and his previous good conduct, the court recommend him to the commandant of the corps for a remission of eleven months of the foregoing sentence, with the exception of the stoppage of so much of his pay as will defray his proportion of the expenses of his trial.

No. 71. To four months' ball and chain, and pay all expenses of trial.

No. 72. To six months' ball and chain; to pay all expenses of trial, and to be drummed out of the garrison.

No. 73. To two months' confinement at night in the guard house; and to do the usual duties of the garrison, and to pay all expenses of trial.

No. 74. To six months' ball and chain, and to pay all expenses of trial.

No. 75. To have his head shaved, and to be drummed out of the garrison with a halter round his neck, and to pay all expenses of trial.

No. 76. To two months' confinement at night in the guard house; to do the usual garrison duty, and pay all expenses of trial.

No. 77. To have his head shaved, and to be drummed out of the garrison with a halter round his neck, and to pay all expenses of trial.

No. 78. To three months' ball and chain; to have his grog stopped during that period, and to pay all expenses of trial.

No. 79. The court, in consideration of his youth in service, and long confinement, do award no punishment.

No. 80. To walk post, for fifteen successive nights, from sunset to sunrise, with a twenty-three pound weight; and after the expiration of the above period, to be confined in the cells on bread and water one month, and to pay, out of any money that is now or may be hereafter due him, the expenses attending his trial.

No. 81. To be confined in the cells for twenty days, on bread and water, and to pay the expenses attending his trial.

No. 82. To be deprived of one-half his allowance of liquor for the space of one month, and to pay the expenses of his trial.

No. 83. To be put to hard labor, with a ball and chain, for the space of three months, and to pay the expenses of his trial.

No. 84. To be reduced to the ranks; but, in consideration of his general good conduct, to be recommended to the commandant for a remission of the sentence.

No. 85. Acquitted.

No. 86. To be put at hard labor, with ball and chain, for the space of four months from this date.

No. 87. To six months' ball and chain, and to pay all expenses of trial.

No. 88. To two months' ball and chain; to pay all expenses of trial, and, at the expiration of said two months, to be drummed out of the garrison.

No. 89. To four months' ball and chain, and to pay all expenses of trial.

No. 90. To four months' ball and chain, and to pay all expenses of trial.

No. 91. To be drummed out of barracks; and to forfeit all the pay that may now be due him, and to pay the expenses of his trial.

No. 92. To be punished by hard labor at the ball and chain for the space of one month, and confinement to the guard room during the nights; and do further adjudge that the expense of his arrest and trial be deducted from his pay.

No. 93. To be punished by three months' hard labor, with the ball and chain, and order that the expenses of his arrest and trial be deducted from his pay; but, in consideration of his former good conduct, do recommend him to the lieutenant colonel commandant of the corps for a remission of his sentence.

No. 94. Sentence disapproved and remitted by the lieutenant colonel commandant.

No. 95. To six months' ball and chain, and to pay all expenses of trial.

No. 96. To eighteen months' ball and chain, and to pay all expenses of trial.

No. 97. To six months' ball and chain, and to pay all expenses of trial.

No. 98. To one month ball and chain, and to pay all expenses of trial.

No. 99. To be confined two months to the guard house; to do garrison duty, and to pay all expenses of absence and trial.

No. 100. To be confined two months to the guard house, to do garrison duty, and to pay all expenses of absence and trial.

No. 101. To cover double headed shot of the weight of twenty-three pounds with cloth sewed on neatly, and to carry the same in a knapsack upon his shoulders, under charge of sentinel number one, for the term of thirty nights, from the setting of the sun to the rising of the same, and in the intermediate term, to be confined in the cells with his rations allowed him; and further, that he undergo such monthly stoppages as shall amount to the expenses created by his trial.

No. 102. To eighteen months' ball and chain, and to pay all expenses of trial

No. 103. To two months' ball and chain, and to pay all expenses of trial.

No. 104. To be suspended in such manner as the commandant may direct, and that he pay the expenses of his trial.

No. 105. To be confined to the garrison two months, and to pay the expenses of his trial.

No. 106. Acquitted.

No. 107. To one month ball and chain, and to pay the expenses of his trial; but, in consideration of his youth and inexperience, they recommend a remission of the ball and chain.

No. 108. To be reduced to the ranks; to be confined to the garrison three months, and to pay the expenses of his trial; but, in consideration of his general good character, they recommend a remission of the reduction.

No. 109. To be reduced to the ranks; to be confined to the garrison three months, and to pay the expenses of his trial; but, in consideration of his general good character, they recommend a remission of the reduction.

No 110. To three months' ball and chain, and to pay the expenses of his trial, and, at the expiration of the three months, to be drummed out of the garrison.

No. 111. To two weeks' confinement in the cells on bread and water, to pay his proportion of the expenses of his trial, and, at the expiration of the above period, to be drummed out of garrison; but, in consideration of the long services, and the excuse offered by the prisoner, the court respectfully recommend him to the commandant of the corps for a remission of the drumming out of garrison.

No. 112. To be disgraced as a soldier by serving as an assistant cook in the cook room, until the 1st day of May next, to pay his proportion of the expenses of his trial, and, at the expiration of the above period, to be drummed out of garrison.

No. 113. To be reduced to the ranks as a private sentinel, to one year's hard labor with ball and chain, to pay his proportion of the expenses of this court, and, at the expiration of the above period, to be drummed out of garrison; but, in consideration of the evidence of the general good conduct of the prisoner, the court respectfully recommend him to the commandant of the corps, for a remission of the year of hard labor, and the drumming out of garrison.

No. 114. To six months' ball and chain, and to pay the expenses of trial.

No. 115. Acquitted.

No. 116 To twelve months' ball and chain, and to pay the expenses of his trial.

No. 117. To two months' ball and chain, and to pay the expenses of his trial.

No. 118. To one month ball and chain, and to pay expenses of trial.

No. 119. To be reduced to the ranks, and to pay the expenses of his trial.

No. 120. To be confined at hard labor, with ball and chain, during the remainder of his enlistment, and have his pay appropriated to the payment of his debts and trial, and, at the expiration of his enlistment, to be drummed out of the garrison.

No. 121. To be returned to Portsmouth, to hard labor, with a ball and chain attached to his leg, for two months, and to pay the expenses of his trial.

No. 122. To be returned to Portsmouth, N. H., well secured by irons, to the commandant of marines of that station, who will have his head shaved, a halter put about his neck, mulct him of all the pay due him, and have him drummed out of the service.

No. 123. To one month hard labor, with the addition of a collar to his neck, with branches to it; at the expiration of that time to be confined three months in the cells, his ration of liquor stopped, his pay stopped for six months, and to pay the expenses of his trial.

No. 124. To three months' hard labor, with ball and chain, to have all his pay stopped, and, at the expiration of the three months, to be drummed out of garrison.

No. 125. To one month hard labor, with ball and chain, and his pay to be stopped, to pay his proportion of the expenses in this trial.

No. 126. To one month's hard labor, with ball and chain, and to pay his proportion of the expenses for this court.

No. 127. To be immediately drummed out of garrison, and so much of his pay stopped as may be due, to be applied towards defraying the expenses of this court.

No. 128. Acquitted.

No. 129. To one month's hard labor, with ball and chain, to have his grog stopped for that time, and to pay his portion of expenses for this court.

No. 130. To two months' hard labor, with the ball and chain, and to pay his part of the expenses of this court.

No. 131. To be confined to barracks for two months, to have his grog stopped for that period, and to pay his portion of the expenses of this court.

No. 132. The court especially recommend to the colonel to discharge him from the corps as unworthy of service, and to stop so much of his pay as may be due, to pay his part of the expenses of this court.

No. 133. To be confined to hard labor, with ball and chain, for one month, and that he pay his portion of the expenses of this court.

No. 134. To six weeks' confinement in the cells upon bread and water, and pay the expenses of his trial.*

No. 135. To one month's confinement in the cells upon bread and water, and pay the expenses of his trial.*

No. 136. To one month's confinement in the cells upon bread and water, and pay the expenses of his trial.*

No. 137. To one month's confinement in the cells upon bread and water, and pay the expenses of his trial.

No. 138. To two weeks' confinement in the cells upon bread and water, and pay the expenses of his trial.*

No. 139. To six weeks' confinement in the cells upon bread and water, and pay the expenses of his trial.*

No. 140. To be reduced to the ranks as a private, and pay the expenses of his trial.*

No. 141. To hard labor, with a ball and chain, for six months, to forfeit his pay due, and to grow due during that period of time, to be appropriated to the reimbursement of the expenses of his trial; but the court do respectfully recommend him to the commandant of the corps for a remission of four months of his sentence.

No. 142. To twelve months' hard labor, with a ball and chain; but they recommend him to the commandant of the corps for a remission of ten months of his sentence, in consideration of his former good conduct, and they do not sentence him to a forfeiture of his pay, in consideration of the distressed state of his family.

No. 143. To hard labor, with a ball and chain, for twelve months, that he forfeit his pay due, and to grow due during that period, to reimburse the expenses of his trial; but the court do respectfully recommend him to the commandant of the corps for a remission of ten months of his sentence, in consideration of his being a recruit and of his former good conduct.

No. 144. To one year's hard labor, with a ball and chain, and pay the expenses of his trial.

No. 145. To be drummed out forthwith, and pay the expenses of his trial.

No. 146. To six months' hard labor, with ball and chain, and pay the expenses of his trial.

No. 147. To two weeks' confinement in the cells on bread and water, and pay the expenses of his trial.

No. 148. To be confined in the cells six months upon bread and water, and recommend to the colonel commandant a remission of four months of that punishment, and pay the expenses of his trial.

No. 149. To be returned to Portsmouth, N. H., and be confined to hard labor, with a ball and chain, for six months, and pay the expenses of his trial.

No. 150. To be returned to Portsmouth, N. H., and be confined to hard labor, with a ball and chain, for six months, and pay the expenses of his trial.

No. 151. To six months' hard labor, with ball and chain, and pay the expenses of his trial.

No. 152. To six months hard labor, with ball and chain, and to pay the usual reward of ten dollars for the apprehension of deserters, which, in consequence of the vigilant conduct of privates Servier and Nash, the court award shall be equally divided between them, and that the same be deducted from the pay of the prisoner.

No. 153. To be forthwith drummed out of barracks with a halter round his neck, and pay his portion of expenses of the court.

No. 154. To be confined two months to the cells, but, in consequence of his orderly and correct conduct while on the West India station, they recommend a remission of all this sentence except two weeks, to pay his portion of expenses of this court.

No. 156. The court sentence them each to two months' confinement in the cells, and to pay their portion of the expense of the court.

No. 158. To hard labor, with ball and double chain, for the remainder of his enlistment, to forfeit his pay during that period, and, out of the said forfeiture, to pay his proportion of the expenses of this court, to wear, for the first thirty days of the said period, a yoke on his neck, with the word "Thief" written on it, and, at the expiration of his said enlistment, to be drummed out of garrison.

No. 159. To thirty days' solitary confinement, and forfeiture of his grog, and to pay his proportion of the expenses of this court; this said sentence to commence from and after the expiration of his present sentence.

No. 160. To be confined to the cells for two months upon bread and water, and pay his proportion of the expenses of his trial.

No. 161. To be confined to the cells for one week upon bread and water, and the court directed that it be spread upon the recorder, that the sentence is made thus lenient in consequence of the prisoner having performed hard duty.

* The proceedings of this court were disapproved, and the prisoners restored to duty.

No. 162. To be confined to the cells upon bread and water for three weeks, and pay his proportion of the expenses of this trial.

No. 163. To be reduced to the ranks, and pay his proportion of the expenses of this court.

No. 164. To be confined to the cells upon bread and water for six weeks, and pay his proportion of the expenses of this court.

No. 165. To be confined to the cells upon bread and water for two weeks, and pay his proportion of the expenses of this court.

No. 166. To be confined to the cells for two weeks, and six months to the barracks, with ball and chain, and pay his proportion of the expenses of this court.

No. 167. To be confined to the cells upon bread and water for two weeks, and pay his proportion of the expenses of this court.

No. 168. To be confined to the cells upon bread and water for two weeks, and pay his proportion of the expenses of this court.

No. 169. Acquitted.

No. 170. To three months' hard labor, with the ball and chain, and pay his proportion of the expenses of the court.

No. 171. To six months' hard labor, with the ball and chain, and pay his proportion of the expenses of the court.

No. 172. To two months' confinement in the cells on bread and water, and to forfeit so much of his pay as will defray his proportion of the expenses of this court.

No. 173. To two months' hard labor, with ball and chain, to forfeit his pay during the above period, and to pay, out of the above forfeiture, his proportion of the expenses of this court.

No 174. To two months' hard labor, with ball and chain, to forfeit his pay during the above period, and to pay, out of the above forfeiture, his proportion of the expenses of this court.

No. 175. To six months' hard labor, with a ball and chain, and to pay the expenses of his trial.

No. 176. To five months' hard labor, with ball and chain, and, at the expiration of the said five months, to one month solitary confinement in the cells upon bread and water, and to pay the expenses of his trial.

No. 177. To two months' hard labor, with ball and chain, and to pay the expenses of his trial.

No. 178. To be reduced to the ranks, to do duty as a private sentinel, and to pay his proportion, with the other prisoners, of the expenses of their trial.

No. 179. To hard labor for three months, with a ball and chain, and to pay his proportion of the expense, with the other prisoners, incurred by their trial.

Nos. 180, 181. To three months' at hard labor, with a ball and chain, and to pay their proportion of the expense incurred by the sitting of this court.

No. 182. To one month at hard labor, with a ball and chain, and to pay his proportion of the expense, with the other prisoners, incurred by their trial.

No. 183. To be drummed out of barracks with the Rogue's March, and the usual tokens of disgrace, and to pay his proportion of the expense, with the other prisoners, incurred by their trial.

No. 184. To pay all the expenses of his trial, and to pass two months at hard labor, with a ball and chain, or chains, not exceeding one hundred and fifty pounds in weight, to be applied according to the discretion of the commandant at this station.

No. 185. To be reduced to the ranks, to confinement in the cells three months, the first thirty days on bread and water, the remainder of the time on his regular ration, with the exception of liquor, and to pay the expenses attending his trial.

No. 186. To be confined two months in the cells, the first thirty days on bread and water, and the remainder of the time on his regular ration, with the exception of liquor, and to pay the expenses attending his trial.

No. 187. To walk post twenty nights, from tattoo to reveille, with eighteen pounds weight on his back, to be further sentenced to confinement in the cells for two months, the first thirty days of which to be on bread and water, the remainder of the time on his regular ration, except liquor, to be confined in the guard room during the day, and to pay the expenses attending his trial.

No. 188. To be confined two months in the cells, the first thirty days of which to be on bread and water, the remainder of his time on his regular ration, with the exception of liquor, and to pay the expenses of his trial.

No. 189. To be confined one month in the cells on bread and water, and to pay the expenses attending his trial.

No. 190. To one week's solitary confinement in a cell on bread and water, and, at the expiration of the same, to wear a ball and chain, at hard labor, for three weeks, and to pay his proportion of the expenses of this court.

No. 191. To be drummed out of garrison forthwith.

PARKE G. HOWELL, *Adjutant and Inspector.*

HEAD-QUARTERS OF THE MARINE CORPS,
Adjutant and Inspector's Office, Washington, November 18, 1824.

II.

Copy of a general order dated 5th March, 1824.

After the receipt of this order, no officer within the United States shall be arrested without the sanction of this Department. When complaint is made against any officer, his commanding officer may, at his discretion, suspend him until the directions of the Secretary of the Navy are received, and it shall be the duty of said commanding officer, forthwith, to furnish to the Department, through the proper channel, a statement of the charges against him, with the names of the witnesses by whom they are to be proved, and facts to be proved by each witness.

The officer suspended shall also be furnished with a statement of the charges against him, and directed to furnish to the commanding officer, to be forwarded to the Department, such explanatory statement as he may wish to make, with the names of the witnesses by which it is to be supported.

You will communicate this order to the officers under your command.

No. 1.

HEAD-QUARTERS OF THE MARINE CORPS, *Washington, 22d November*, 1824.

SIR: I have the honor to hand you, herewith, a return of the desertions and trials that have taken place in the marine corps, from the 1st November, 1821, up to the 31st October, 1824, as directed agreeable to a resolution of the honorable the Senate of the United States.

Since I had the honor to address you last on the subject of a reorganization and increase of the marine corps, the causes which then existed for such changes as were proposed, have not only continued, but have multiplied upon the service to a considerable extent; and some of the arguments then only urged as matters of reasonable anticipation have been fully realized by events since that period.

The memorial of the officers of the corps, addressed to you in November last, and my letter, with the papers accompanying it, of the 16th of February, contain most of the material facts in support of the plan of reorganization submitted at that time; and in calling your attention again, sir, to the consideration of these papers, I must repeat my approbation of the memorial, and my knowledge of the facts set forth therein, and beg leave to place it before you, together with the letter I then wrote and my letter of the 16th of February last, as embracing nearly all the remarks deemed necessary on the present occasion.

The number of men now on detail for sea service, and the situation of the different posts, make it my duty so far to change the plan of the last year as to propose 1,240 privates and a due proportion of field officers, captains, lieutenants, &c., &c., for a permanent peace establishment. The statement enclosed herewith will show that the public interest requires this increase, and I will add that a smaller number will not meet the demands of the service, if the ships and the navy yards are to be guarded, as has heretofore been the custom. I cannot dismiss this part of the subject without urging upon your notice, sir, the severe nature of the duties now performed by the marines at every navy yard in the United States. To afford such relief to the soldier as is common in all services, there should be for each sentinel nine efficient men; whereas the stations have been all so drained by the late requisitions for sea service, that the guards had rarely a relief; and the depots at Boston, New York, Philadelphia and Norfolk, will be unable to perform the duties required of them with less than sixty men added to the present strength of each. At Portsmouth, N. H., thirty men more are wanting; and the station at head-quarters, including the guards at the navy yard, magazine and capitol, require at least one hundred and twenty men, in addition to their present force.

You will perceive, sir, that I have included one hundred men for the contemplated southern station; but should this design be abandoned by the government, we shall still have ample employment for them all. Some allowance should also be made for a number of men taken from the line and usefully employed as armorers and carpenters; for sickness, and for vacancies arising out of the various casualties of a military body. Moreover, in the distribution proposed on the increase no provision is made for the contingency of a further demand for sea service; and, should all the men asked for be granted, we could not more than supply the guard of a seventy-four, should no other shore station be established.

The great deficiencies in the corps present themselves as matters of serious consideration; and, as it is now full, they cannot be supplied but by the increase recommended; and, should it be necessary to fit out a large ship of war, in the present state of things, one of the stations, at least, must be entirely broken up to furnish her guard. It may not be amiss to remark that during the late war, when there was at no time as many marines afloat as at present, it was thought necessary to keep up a force of more than two thousand men.

I have hitherto neglected to impress upon you, sir, the necessity of maintaining a larger force than has been usual of late years, at the head-quarters of the corps. One of the chief objects in the establishment of this post, next to the location of the commandant and staff, was for the purpose of drilling recruits, and new appointments, and fitting them for the various duties required by the service. But so bare have these barracks been of men for the last five years, that this design of the government has been almost entirely defeated; and we are scarce able to get up a drill, by suspending all the work of the armorers and carpenters, and others, engaged in constant daily duty. Nothing is so well calculated to give character to a corps as a uniformity of system, and the initiation of young officers into the duties of their profession by the same hand, and under the immediate notice and auspices of its commanding officer. For this purpose they are placed first in the hands of the adjutant and inspector of the corps, an officer always selected for his professional accomplishments; but situated as we now are, without the advantage of a sufficient number of men for battalion drill, he can carry them no further than the duties of a morning parade, and the ceremonies of relieving a guard. A young officer should never be permitted to leave head-quarters before he is perfectly competent to the drill of a battalion, so that should he succeed by accident, or other causes, to command, he might be able to do justice to his situation.

It is often the case here, as well as at other stations, that men are as much as ten days successively on guard; and when I account to you, sir, in this way, for the long list of desertions handed you herewith, I must add my surprise that they are not of more frequent occurrence.

If the proposed augmentation be recommended by the Department, the necessity of such an increase and arrangement of officers as is suggested, will be found not only just, but indispensably necessary. You will excuse me, sir, if, in my solicitude in relation to the officers of the corps I have the honor to command, I urge their claims again most earnestly upon your consideration. In proposing that the commandant of the corps be raised to the rank of colonel, it will not be esteemed immodest, when it is considered that his command is already one-fourth larger than that of a colonel in the army; and should the proposed plan of increase be adopted, will more than double, in its magnitude, and consequently in its responsibility, the command of an officer of that grade, as the regiments are at present established. Let me also remind you, sir, that it is desirable to raise the commandant of the marine corps to the rank of colonel, to remove the doubts and scruples that have hitherto existed, as to the legality of courts-martial convened under his order; and may I not add, as another reason, the justice of allowing an officer of marines as much to look to in his own corps, as an officer in the army has in his regiment? and more particularly, as I have before had occasion to remark, when it is considered that the latter have the whole army for their hopes and prospects.

The officers necessary to the marine corps, in case the proposed increase shall take place, and the smallest number indeed by which such an establishment can be properly managed, will be in grade, and number, as follows:

One colonel commandant, one lieutenant colonel, two majors, sixteen captains, twenty-five first lieutenants, twenty second lieutenants.

This increase of officers is proposed upon grounds of the strictest expediency. The field officers, it will be seen, on comparison, do not bear near the same proportion to the number of men, that the field officers of the army do to their regiments, for while the latter have three field officers to every five hundred men, we ask but four to upwards of twelve hundred. In the army, every fifty men is provided with a captain; whereas a captain is only proposed for every eighty men in the marine corps; and one or two of this class of officers generally fill situations in the staff, which, from their importance, require experience and talent; and a corps serving in detachments, as the marines ever have, and ever must do, requires more officers of rank than a body of men consolidated.

More than half the captains at present in the corps, have been nearly twelve years in that grade; and have all been from twelve to twenty years in service; and by referring to the archives of the department, you will find, sir, that several of them were breveted during the late war, for distinguished services. The elder of the first lieutenants have not only served from seven to ten years, but for several years past have been doing the duty of captains.

I have the honor to be, sir, very respectfully, your obedient servant,

ARCHD. HENDERSON, *Lieutenant Colonel Commandant.*

To the Hon. Samuel L. Southard, *Secretary of the Navy.*

No. 2.

Head-quarters of the Marine Corps, *Washington, November* 23, 1823.

Sir: In connection with the letter I had the honor to address you of yesterday's date, I must beg leave to bring to your recollection that part of my letter of the 16th February last, that relates to the appointment of cadets from the Military academy into the marine corps. So well am I convinced of the importance of this subject, and so strong are the reasons that induce me to call it up to your notice again, that I consider it a part of the duty I owe to the country, and to the situation I have the honor to fill.

It needs no argument to prove, that, as the duties performed by the marines are essentially military, so the nearer they approximate to the perfection of this character, the more efficient and useful will they be to the service; and whatever physical or mental qualities the private soldier may possess, they are comparatively useless, unless directed with skill and ability.

There are many valuable officers in the marine corps, who have been chosen from among the citizens; and although young gentlemen do often present themselves for commissions, whose pretensions are of the first character, and who have qualities to become as useful ultimately as they could be made by any system of education, yet, there is a consideration belonging to this part of the subject, of the first importance to the service; and while the Department shall continue to fill the corps in the manner hitherto practiced, the evils attendant upon it must ever be of the most embarrassing character, as I shall proceed to show.

It is a fact to be much lamented, that young men without merit, or any qualification indeed whatever for military life, file as honorable testimonials of character in the Department, as the most worthy; and the Secretary in making a selection to fill the vacancies that occur, having no other criterion by which to be governed, cannot avoid at times making unfortunate nominations, and it is with no small degree of mortification that I feel myself called upon to state that, within the last nine years, nearly, or quite half the appointments in the corps have been dismissed, or compelled to resign, for worthlessness, and ungentlemanly conduct; and those who have proved worthy of their commissions are in a still smaller proportion to the number on whom they have been conferred.

One of the unhappy consequences of this state of things, is, that useless and inefficient officers have sometimes so accumulated upon our hands, that it has often been a difficult matter to find enough fitted for the commands at sea, and the commanding officers of the different stations, who are compelled, from the nature of circumstances, to bear for years with such men, so far from feeling the confidence that should ever be due to a commission, are constantly on the watch to see that they acquit themselves of their trust, and next to the performance of their own peculiar duties, feel it their first obligation to the corps, and to the country, to expel them from the service.

By appointing cadets into the corps, this great evil will be effectually guarded against, and it but rarely happens that a graduate from West Point is not a gentleman in his deportment, as well as a soldier in his education. But, sir, it is proper to remark, that young gentlemen who are regularly educated for military life, will not consent to limit their hopes of promotion to the marine corps, as it stands at present, and while we claim the same advantages from the Military academy that are enjoyed by every corps of the army, it is but fair that we should offer them the same inducements to join us.

If it is contemplated by the government that the marine corps shall keep pace with the gradual rise of the navy, (and from the nature of its duties one may be considered the necessary consequence of the other) the appointment of its officers cannot be too carefully made, and the recollection of former difficulties, both with the navy and among ourselves, from unfortunate selections for the corps, as well as the hope of avoiding them for the future, make this subject, not only one of great solicitude to myself, but of the first importance to the welfare of the service.

I have the honor to be, sir, very respectfully, your obedient servant,

ARCHD. HENDERSON, *Lieutenant Colonel Commandant.*

To the honorable Secretary *of the Navy.*

No. 3.

(Being one of the papers referred to in paper No. 1.)

HEAD-QUARTERS OF THE MARINE CORPS, *Washington, November* 18, 1823.

SIR: I have the honor to report that I have made a tour of inspection, during the summer and autumn, and visited the guards of the marine corps stationed at the navy yards of Portsmouth, N. H., Boston, New York, Philadelphia and Norfolk. I found those guards in good order, and as effective as their diminished force would allow. The increased demand for the sea service, has rendered it necessary to reduce these guards to such an extent as not to leave a sufficient force to supply the number of sentinels necessary for the protection of the public property in the yards, even though I was obliged to authorize, with the consent of the late Secretary of the Navy, the enlistment of soldiers beyond the number authorized by law. As it is not probable, the number of marines required for sea service will be at all diminished, I deem it my duty to recommend an increase of the corps, and enclose for your consideration a paper drawn up by the officers, in which they point out the disadvantages under which the corps now labors, and pray you to give your assistance in applying a remedy.

I do not myself think that any change in the organization of the corps, except an increase, is necessary, though I agree with the officers in the opinion that it is important to introduce a knowledge of artillery duty more extensively than it now exists. This end can as readily be obtained under its present organization as it could be if it were changed by law into a corps of marine artillery, as well as of marine infantry, which is its present character, but may be extended as well by an order as by law. In recommending an increase of the corps to the extent stated by the officers, I take occasion to observe that the guards at the different navy yards are useful not only in the protection of the public property in the yards, but also as a force from which all the requisitions for the sea service are supplied. If those guards acted in no other capacity than simply to protect the property in the yards, it would still be doubtful whether it would be to the public advantage to adopt any other system; and as a force of the marine corps must necessarily be kept at or near each navy yard, in order to prepare guards for the vessels of war which may be fitted out therefrom, and to supply any deficiencies in the guards of such vessels as may arrive, I am induced to think that the public interest would be endangered, if not sacrificed, by any change. That these guards have faithfully performed their duties is so well established, that it is wholly unnecessary to go into any detailed proof of this fact.

The act of Congress of 1798 organized the marine corps as a military body, authorizing a detachment of guards on board the armed vessel, and to become, while acting in that character, amalgamated with the navy, and subject to the rules and regulations adopted for its government. It is the opinion of many high officers in the navy that the guards at the different navy yards should assume the same character with those on board the armed vessels. The experience of twenty-five years will show that this change is not rendered necessary by any want of efficiency in the guards, or by any insubordinate or improper conduct on the part of the officers of the corps who have commanded them. The argument used by the naval officers to enforce their position is, that there should be a complete unity of command not only in substance but in form.

The substance of command they now have, as the commanding marine officer is positively directed to furnish any number of sentinels his force will admit of, that the naval officers may think necessary to protect the public property and to place them wherever those officers may require. If the views of the government in establishing those guards have not been fulfilled, if the public property in the yards has been lost or destroyed, by their neglect, or if the officers have not evinced every disposition to carry into effect the views of the commandants of the yards, then I say it is necessary to make a change. If the contrary is the fact, and all the objects expected from them have been obtained, I would ask if any change which goes to effect the independence of commands so long existing can be justified? If the public interest require the change, let it take place. If the only argument in favor of it is simply to introduce a unity of command to concentrate in the very officers who used the argument, I should beg leave to question its validity and to ask your candid and deliberate consideration of the subject before you determine on recommending any alteration. The direction of the distribution of the guards as sentinels belongs already to the naval officers; the number and location of those sentinels are also under their direction. The vital interest of the marine officer induces him to comply with the views of the naval officer as fully as he possibly can. The evidence that he has always done so, rests on the simple facts that no injury has arisen for twenty-five years, of a serious character. The marine corps is, and must continue to be, an appendage of the navy, participating in its prosperity or sharing in its adversity—in war braving with it the same dangers, and in peace asking of it nothing but sheer justice. In the latter we have harmoniously and sedulously performed our duties; in the former we have fought side by side with our brethren of the navy, and if a Hull survived to reap the benefits and honors of the victory over the Guerriere, a Bush sealed it with his life's blood.

Before I close this communication, I will state that the station at head-quarters is highly useful, and indeed indispensably necessary in drilling the officers appointed in the corps, and has no doubt essentially contributed to its invariable effectiveness on whatever service it has been heretofore employed.

In conclusion, I beg leave to call your attention to the importance of filling all future vacancies in the corps from the graduates of the academy at West Point. A general knowledge of military science is essentially useful in every military body. If the appointments continue to be made as they now are, that object cannot be obtained, and the marine corps will be deprived of the advantages that every other branch of the service enjoys.

All of which is respectfully submitted.

ARCHIBALD HENDERSON, *Lieutenant Colonel Commandant.*

The Hon. SAMUEL L. SOUTHARD, *Secretary of the Navy.*

A general return of the marine corps is enclosed, showing its present distribution, marked A.

A.

STATIONS.	Majors.	Captains.	First lieut.	Second lieut.	Sergeants.	Corporals.	Privates.
Portsmouth, N. H.	..	1	1	2	:	..	50
Boston	1	1	2	2	..	..	85
New York	1	1	2	2	..	..	85
Philadelphia	..	1	2	2	..	..	85
* Head-quarters, staff, &c.	..	3	4	3	..	..	115
Navy yard guard, Washington, D. C.	..		1	..	..	..	30
Magazine guard, W. D. C.	..	..	..	..	..	..	10
Norfolk, Va.	..	1	2	2	..	..	85
Pacific ocean and West India station	..	2	4	4	..	..	175
Mediterranean, and at sea in different vessels	..	2	5	3	..	..	260
New Orleans	..	..	1	..	..	..	20
Total	2	12	24	20			1,000

The number of sergeants required in due proportion is 96, and an equal number of corporals.
A provision will be necessary for 15 additional musicians.

No. 4.

(Being one of the papers referred to in the paper No. 1.)

WASHINGTON, *November* 19, 1825.

SIR: The undersigned, officers of the United States marine corps, viewing you as the official guardian of their interests, and the Department over which you preside as the proper medium through which to make all such representations to the government as their situation may call for, and with feelings of great personal deference for yourself, have the honor most respectfully to submit to your consideration, and through you to the consideration of the President and the Congress of the United States, certain facts in relation to that branch of the military service of the nation in which the undersigned have the honor to be engaged. They deem it unnecessary to trouble you with the many and obvious evils arising from the present organization of the marine corps. They are well known and understood at the Department. But the undersigned are called upon, as well out of respect to themselves as to the general good and improvement of the service, to make such a representation of the most prominent of them, as will reach the authorities, who alone have the power of applying the adequate remedies.

Great and mortifying as are the peculiar disadvantages under which the undersigned are serving, and much as they have reason to lament the hardships of their situation, their solicitude in their own behalf is but secondary to the great consideration of making themselves a more useful auxiliary to the navy, and thus, of promoting in a more extensive degree than they can at present, the usefulness and welfare of the strong arm of our national defence; and the undersigned can with the more propriety urge those facts jointly, and in connection with each other, as the same law that affects the one object may be made to accomplish the other.

The undersigned beg leave, in the first place, to engage your attention upon an important part of their subject, involving considerations of mutual interest to the navy and to themselves. The marines constitute a part of, and are a highly useful appendage to the navy, and any change in the organization of the corps, calculated to make it a more serviceable and vigorous branch of our naval establishment, may be looked upon as a benefit to the nation at large. They are acknowledged by our naval commanders to be indispensable to the service, and their efficiency in close action, and the execution they have done upon the enemy's decks, has called forth many tokens of applause from our best and most distinguished officers. It would be the great pride of the undersigned, to be placed upon a footing of still more extensive usefulness, and to be enabled to add to their own credit by a more active agency in contributing to the glory of their country.

We are ambitious to be of equal importance in every situation in which a ship may be placed in battle. A vessel may be engaged in action under such circumstances, as to make it of the utmost consequence that the marines should be able to manage the great guns with skill and promptitude. This might be the case when ships are engaged at long shot; in the event of great slaughter of the crew by an enemy's fire; the reduction of the effective force of the ship by boat expeditions, or in the manning of batteries on shore, &c., &c.

To place the corps upon such a footing of usefulness as is contemplated by the undersigned, it will be necessary to reörganize it, and establish it with the double character of marine infantry and marine artillery; with a suitable provision of field pieces for each command. This arrangement would not only qualify the officers of marines to command a division of guns in a ship of war when it might be neces-

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* At head-quarters, about twenty men are constantly employed as artificers, in repairing and stocking muskets, and as carpenters, &c., in the quartermaster's department.

sary, but it would also make the corps eminently useful in defending our forts upon the seaboard in case of attack. Should the proposed change in the system of the corps meet your approbation, and be regarded as of sufficient importance to engage the attention of Congress, the undersigned would most earnestly call upon you, sir, not only as the proper medium of making known their grievances, but as the source through which they are sanguine of having them redressed, to present to the notice of that honorable body the peculiarly unpromising condition of the marine corps in its present state, and the comparative disadvantages under which its officers serve with every other branch of the military institutions of the country.

In the army, a regiment of infantry is commanded by a colonel, with a lieutenant colonel and major, ten captains, ten first and ten second lieutenants. A regiment of artillery has the same complement of field officers and captains, with twenty first lieutenants; while the marine corps, dispersed through all the navy yards in the United States, and serving in every sea, involving a responsibility of the most extensive character upon the commandant, is commanded by a lieutenant colonel, without any other field officer, and with but nine captains to twenty-four first and sixteen second lieutenants. Thus, sir, you will perceive, that an officer on entering the army, were his hopes circumscribed to a single regiment, would have a better prospect of rising than one who takes a commission in the marines. How great is their advantage over us then, when we look to the range which they enjoy of promotion through the whole line of the army, which, even on its present footing, has fourteen colonels; whereas, the marines, being a distinct and separate corps, confined to its own limits, and with more men and subalterns than any regiment in the service, is commanded by an officer of inferior grade, and who is destined never to rise higher than the command of his own corps. Promotion, as the just reward of faithful and meritorious services, is the only inducement the profession of arms can offer to a young man of enterprise and talents, to relinquish the gainful pursuits of civil life. This consideration, added to the hope of acquiring fame and honor, should always be before the eyes of a military man, as a stimulus to distinguished achievements; and while we see a prospect of honorable old age and comfort held out to the army and the navy, we have the melancholy contemplation of a lifetime of devotion to our country for the rank and station of a captain. Small as is our allowance of pay, we do not ask to have it increased; we have no view to pecuniary advantages; we only pray to be made more respectable and more useful; and we beseech you, sir, to look into our situation, and give us your aid in raising the corps in which we serve from its present position.

Can it be known to the government, that the marine corps furnishes a guard for every navy yard in the United States, and that serving in every public vessel that floats, they keep the same watch and do the same drudgery as the seamen? That almost all our captains are nearly of ten years' standing, and that many of the lieutenants are as old in their respective grades?

The greatly superior advantage in point of pay and promotion enjoyed by officers of the navy with whom we are immediately allied, and with whom the most important of our service is performed, is too well known to you, sir, to make any other notice of it necessary, than simply to call your attention to the comparison. We have instances before us of naval officers, who being midshipmen at the time when some of our officers were captains, are now in the rank of masters commandant, while the officers of marines continue to be captains still, and many of the undersigned who were captains and lieutenants, commanding the guards of ships in the late war, on the ocean and on the lakes, remain in the grades they then filled.

The undersigned are proud to revert to the events of that important period in the history of our country. They appeal to the testimony of our most distinguished naval commanders, to prove that the marines assisted with credit in gaining all our naval victories; and the captains of our vessels have borne honorable witness to their merits on those great occasions. We occupy a post of as much danger as any in the ship in time of action; and there is nothing on record wherewith to reproach us. Many of our officers and men have sealed with their blood, on the land and on the ocean, the compact of patriotism and valor, entered into with their country by engaging in her service. The undersigned pray to be reörganized, and constituted to serve as a corps of marine artillery as well as marine infantry, to be drilled to act in either capacity, as occasion may require. They also pray, that the commandant of the corps may be raised to the rank of colonel; for the creation of two majors; and for three additional captains, making the whole number twelve. That the first lieutenants remain as they are, and that the second lieutenants be fixed at twenty.

They would also call your attention to the fact, that the necessities of the service require at least two hundred and fifty men above the number provided for by law; and that this accession to the strength of the corps is now wanting to enable the commandant to furnish the guards required for the protection of the navy yards, and for the ships.

The additional number of captains asked for are not in proportion to this increase of men; and the undersigned refer you to the enclosed statement marked A, showing that all the officers can be usefully and actively employed, and that important commands hereto confided to lieutenants, may in future, under this arrangement, be assigned to officers of rank proper for such responsibility.

The undersigned look forward with great hope to your favorable consideration of this, their respectful representation, and are sanguine of success, with your approbation and support.

RICHARD SMITH, *Capt. and Major by brevet.*
ROB. D. WAINWRIGHT, *Capt. and Major by brevet.*
WILLIAM ANDERSON, *Captain Marines.*
SAMUEL E. WATSON, *Captain Marines.*
WILLIAM H. FREEMAN, *Captain Marines.*
JOS. L. KUHN, *Captain Marines.*
C. L. BROOM, *Lieutenant Marines.*
LEVI TWIGGS, *First Lieutenant.*
THOMAS A. LINTON, *First Lieutenant Marines.*
PARKE G. HOWLE, *Adjutant and Inspector.*
E. J. WEED, *First Lieutenant and Quartermaster.*
J. C. HALL, *First Lieutenant Marines.*
THOMAS S. ENGLISH, *First Lieutenant Marines.*
HENRY W. GARDNER, *First Lieutenant Marines.*
THOMAS B. BARTON, *First Lieutenant Marines.*
GEORGE W. WALKER, *First Lieutenant Marines.*
CHARLES C. FLOYD, *First Lieutenant Marines.*
BENJ. MACOMBER, *First Lieutenant Marines.*
SAM'L S. COEJEMAN, *Second Lieutenant Marines.*
RICHARD DOUGLASS, *Second Lieut. Marines.*
CHARLES F. SPEARING, *Second Lieut. Marines.*
ALVIN EDSON, *Second Lieutenant Marines.*
MARCELLUS M. LITTLE, *Second Lieut. Marines.*
GEORGE F. LINDSAY, *Second Lieut. Marines.*
THOMAS L. HARDY, *Second Lieutenant Marines.*

To the Hon. SAMUEL L. SOUTHARD, *Secretary of the Navy.*

18TH CONGRESS.] No. 267. [2D SESSION.

ON THE MEMORIAL OF JOHN M. GAMBLE, A CAPTAIN OF MARINES, FOR COMPENSATION OR PRIZE MONEY FOR CAPTURING AN ENEMY'S VESSEL IN 1813.

COMMUNICATED TO THE SENATE MARCH 2, 1825.

Mr. HAYNE, from the Committee on Naval Affairs, to whom was referred the memorial of John M. Gamble, a captain of marines, in the United States navy, praying compensation for the capture of the Seringapatam, during the late war with Great Britain, reported:

That Captain Gamble, then a lieutenant of marines, was attached to the Essex frigate, during her memorable cruise in the Pacific ocean, and was entrusted, by Commodore Porter, with the command of the Greenwich, one of his prizes; that, whilst thus commanding, he fell in with the Seringapatam, an armed ship of the enemy, of very superior force, which, after a short conflict, he captured. From the papers accompanying the memorial, it may be perceived, that this affair was regarded, at the time, as a very gallant one; but owing to the capture of Commodore Porter's dispatches, no official account of it has ever been published. The committee regret that the prayer of the memorialist cannot properly be granted, there being no precedent of any compensation, further than the prize, ever having been made to the captors of the private armed ships of the enemy.

The committee, however, cannot consent to close their report without expressing their sense of the gallantry, skill, and enterprise, displayed by Captain Gamble, in the capture of the Seringapatam. The committee recommend the adoption of the following resolution:

Resolved, That the memorialist have leave to withdraw his memorial and papers.

To the honorable the Senate and House of Representatives of the United States:

The memorial of Brevet Lieutenant Colonel John M. Gamble, of the marine corps, respectfully showeth:

That in the late war with Great Britain your memorialist was appointed to the command of an armed ship in the South seas; and on the 13th of July, 1813, fell in with and, after a contest, (the particulars of which have been furnished the government by Commodore Porter,) captured a ship called the Seringapatam, much superior in force to the Greenwich, the ship your memorialist commanded. That the taking of the Seringapatam was of importance to American citizens engaged in commerce on those seas, inasmuch as she had captured the ship "Edward," from Nantucket, and had aided a Spanish privateer in the capture of two other American south-seamen. That she was, when captured by your memorialist, cruising in search of other American vessels, engaged in their lawful pursuits. That the Seringapatam proved to be a heavy armed ship, fitted out at great expense, and when captured abundantly supplied with naval stores and provisions. That a large quantity of powder and other articles were taken out of this ship for the use of the United States frigate Essex. That her cargo was worth upwards of thirty thousand dollars. That the Seringapatam, after her capture by your memorialist, was taken into the United States service, by Commodore Porter, as an auxiliary to his armed force in the South seas. That she was, in September, 1814, recaptured, on which occasion your memorialist was severely wounded, and put in an open boat at sea. That the day following, your memorialist was attacked by the savages of Nooaheenah, and had, out of eleven men, four killed and one dangerously wounded. And, finally, that your memorialist has not been compensated either for the capture of the Seringapatam or for the property taken out of her for the use of the United States; your memorialist therefore respectfully petitions Congress to allow a reasonable compensation for the Seringapatam, captured by a very inferior force, and recaptured after having been taken into the service of the United States, as will appear by Commodore Porter's journal, page 205. Your memorialist respectfully begs a reference to the accompanying documents, and will, as in duty bound, ever pray.

JNO. M. GAMBLE, *Bt. Lt. Col. U. S. M. Corps.*

NEW YORK, *December* 31, 1828.

Extracts from Commodore Porter's journal.

EXTRACT NO. 1; PAGE 174.

MAY 13, 1813.

Our fleet now consisted of six sail of vessels, without including the Georgiana. On board the last captured vessel, I put a sufficient number of men to fight their guns, giving Lieut. McKnight charge of the Atlantic, and for want of sea officers, I put Lieut. Gamble, of the marines, in charge of the Greenwich. I had much confidence in the discretion of this gentleman; and to make up for his want of nautical knowledge, I put two expert seamen with him as mates, one of whom was a good navigator.

Volunteers continued to offer from the captured vessels, and my whole effective force in those seas now consisted of

The Essex	Mounting	46 guns	and 245 men.
The Georgiana	Mounting	16 guns	and 42 men.
The Atlantic	Mounting	6 guns	and 12 men.
The Greenwich	Mounting	10 guns	and 14 men.
The Montezuma	Mounting	2 guns	and 10 men.
The Policy	Mounting	.. guns	and 10 men.
Making in all		80 guns	333 men.

EXTRACT 2D; PAGE 203.

JULY 13, 1813.

At eleven A. M., discovered three sail off Banks' bay, standing on a wind, some distance from each other. I gave chase to the one in the centre; the others, which appeared to be fine large ships, stood on different tacks with a view of eluding us, while the one I was in chase of bore up from us. I felt apprehensive for the safety of my prizes, which were now a great distance astern of us. The in-shore ship tacked to windward of us and stood for them, with a view of cutting them off; but my anxiety was considerably relieved on seeing the Greenwich heave to for the Georgiana to come up, as I was confident it was for the purpose of getting her crew out, as she soon after stood boldly down for the stranger. We were not long in capturing the vessel we were in chase of, which proved to be the English ship Charlton, of ten guns, the captain of which informed me that the ship now to windward was the Seringapatam, of fourteen guns and forty men, commanded by William Stavers, and that the other was the New Zealander, of eight guns.

EXTRACT 3D; PAGES 203 AND 204.

The Greenwich continued to run down for her, while the Georgiana ran for the Essex. I soon threw a crew on board the Charlton and gave chase. Several broadsides were exchanged between the Greenwich and the Seringapatam, when the latter hauled down her colors, but endeavored to make her escape in a crippled state, having her sails and rigging much cut. The Greenwich kept up the pursuit close on her quarter, &c.

EXTRACT 4; PAGE 205.

As the Seringapatam proved to be a fast sailing ship, and was in every respect calculated for a man-of-war, (and indeed built for one in India, for Tippoo Saib,) I determined to render her as formidable as possible, that in case of any accident happening to the Essex, our cruise might not be entirely broken up. With this view I sent the gunners and carpenters to work on her, and in a few days she was completely equipped, with twenty-two guns mounted on her. I gave her in charge to Mr. Terry, master mate, with directions not to separate from us.

U. S. FRIGATE ESSEX, *at sea, July* 14, 1813.

SIR: Allow me to return to you my thanks for your handsome conduct in bringing the Seringapatam to action, which greatly facilitated her capture while it prevented the possibility of her escape.

Be assured, sir, that I shall make a suitable representation of the affair to the honorable Secretary of the Navy.

With the greatest respect, your obedient servant,

D. PORTER.

LT. JOHN GAMBLE, *commanding the prize ship Greenwich.*

U. S. F. ESSEX, *off Albemarle Isle, July* 15, 1813.

Allow me to congratulate you, my dear fellow, on your splendid victory of yesterday over so superior a force. One of our officers who has been on board your prize says she mounts 16 guns and had more than three times your crew. I most heartily wish I had been on board as your surgeon, to share prize money as well as honor with you, for I am told she is a very valuable ship and well advanced in her cargo of oil. After we had captured the New Zealander and Charlton, and found out from our prisoners that it was that old renegado Stivers you were engaged with, and so far to windward that we could not beat up to your assistance before midnight, Capt. Porter became extremely anxious about you; he chewed as much tobacco and kept his poor spyglass as constantly employed as ever I knew him to.

At one time, when the Seringapatam tacked, Capt. P. became more anxious than ever; fearful you would tack at the same time and receive a raking shot; he exclaimed: "Now, Mr. Gamble, if you'll only stand on five minutes, and *then* tack, I'll make you a prince." You stood on awhile, when he again exclaimed, "Now is your time;" just then we observed your ship in stays, which gave you the raking shot that did the enemy so much injury. So, my dear fellow, you stand a chance of being princed, knighted, or something else. The captain was much pleased, put the spyglass under his arm, walked aft, and appeared to think all safe. I wanted to have had a talk to you when you were on board the Essex, but we were both too much hurried. Old Stivers is in the steerage with us; we find him a noisy, abusive steerage mate. He talks about everything but what we want to hear. I hope to see you soon, until when adieu.

Sincerely your friend, &c.,

ALEXANDER M. MONTGOMERY.

NAVY COMMISSIONERS' OFFICE, *February* 10, 1816.

SIR: Captain John Gamble of the marines served with me on the Essex, from the time of my taking command of that vessel, until my departure from Madison's Island; during the whole of which his conduct was such as to entitle him to my respect, as an officer and a gentleman.

During a great part of my cruise in the South seas, Captain (then Lieutenant) Gamble, continued in command of one of my most valuable prizes, and while in that situation, brought to action with an inferior force, and caused to surrender, an armed vessel of the enemy which had long been the terror of the American ships which had been engaged in commercial and other pursuits in that ocean.

Honorable mention was made of this affair to the Secretary of the Navy, but by the capture of the vessel, the account was lost, and of course never reached the United States.

Captain Gamble at all times greatly distinguished himself by his activity in every enterprise engaged in by the force under my command, and in many critical encounters by the natives of Madison Island, rendered essential services, and at all times distinguished himself by his coolness and bravery. I therefore do, with pleasure recommend him to the Department, as an officer deserving of its patronage.

I have the honor to be, sir, very respectfully, your obedient servant,

(Signed,) D. PORTER.

Hon. B. W. CROWNINSHIELD, *Secretary of the Navy.*

True copy from the original, now on file at the Navy Department.

J. M. GAMBLE.

NEW YORK, *April* 5, 1824.

MY DEAR FRIEND: I yesterday received your letter of the 3d instant, on the subject of a claim about to be brought before Congress for your capture of the ship Seringapatam, in the Pacific, in 1813, while in command of the prize ship Greenwich, and am truly pleased to learn that your friends at Washington have advised such a course, and speak favorably of its success.

I shall, with the most perfect willingness, state what I know of the circumstances connected with the affair, though, as I was not a witness or a party to any operations of the commodore's cruise until after meeting you at Madison Island, in October or November, 1813, my statement I should presume can be of little importance.

With regard to the fact of the surrender of the Seringapatam to your ship I should suppose there can be no doubt; having heard it mentioned while at Madison Island, and at other times, as matter of common notoriety, and never hearing it contradicted.

My recollection of the ship itself will not soon be effaced; it being on board her our disasters commenced, in May, 1814, when the crew rose on us, ran away with the ship, &c. Of the value of her lading I have no distinct recollection, the oil having been taken out about the time I joined you; nor do I recollect the force of the ship at the time of her capture. That it was formidable and much dreaded on the cruising ground of the whalers I always understood. One fact relating to the warlike and formidable appearance of the Seringapatam, which came under my observation and within my own knowledge, it may be worth while to state: When the Albatros, on board which ship I arrived at the islands a passenger, came off the harbor, and we saw the fleet anchored inside, all on board supposed that ship to be a frigate.

The particular dimensions of the Seringapatam I do not recollect, but believe her measurement was about 400 tons, but of such construction that she would stow much more. She was certainly a valuable ship, being entirely of teak wood. We understood she was built for and owned by Tippoo Saib for a vessel-of-war, being pierced for guns on her lower deck, how many I do not remember—named after the capital city of his country, and had been taken from him by the English.

I further understood that this ship had been sent from India to England with a view to being purchased by government there.

That there was great merit and much credit due you for capturing the Seringapatam I presume none ever venture to question; and had the termination of the Essex's cruise been different, no doubt some such proceeding as is now commenced would long since have been started. The subject having rested until now, however, is not the less entitled to the attention of Congress, and be assured of my best wishes for the success of your memorial. You are at liberty to make any use of this letter which may be thought proper, or I will most willingly state what I know connected with the subject in any other shape you may desire.

I expect to sail for Canton in about three weeks, but will write you on this subject in a few days.

Meantime I remain most truly your friend and obedient servant,

BEN. CLAPP.

Major JOHN M GAMBLE, *Philadelphia.*

NEW YORK, *April* 15, 1824.

MY DEAR SIR: I do myself the pleasure of stating some general facts in relation to the object of your letter, which has just reached me.

The English ship Seringapatam, commanded by Captain Stivers, was deemed by the American whalemen their most formidable enemy in the Pacific ocean. Her size, construction, and armament better adapted her for hostilities than any ship which we found engaged in the whale fishery. It was known she had taken the ship Edward, of Nantucket, and was, when fallen in with, cruising for other American vessels. Her commander was reported to be a bold and unprincipled adventurer, and had he not been arrested in his course, would unquestionably have committed serious depredations on American property in that ocean. In company with two other English ships, the Seringapatam was met at sea by the force under Commodore Porter. The prize ship Greenwich, under your immediate command, acted a distinguished part on the 12th or 13th July, 1813, in capturing the Seringapatam—her physical force was much superior to that of the Greenwich, and to the better discipline and skill of your crew—which was evinced in the engagement between the two ships, the fortunate result of the contest is to be ascribed. Your engagement with the Seringapatam took place while Commodore Porter was occupied in capturing the other ships. Several broadsides had been exchanged between the Greenwich and Seringapatam, when the latter hauled down her colors, endeavoring at the same time to escape by making sail; her crippled condition retarded her progress, and the Greenwech gaining on her in the pursuit, and rendering the success of her attempt impracticable, the enemy, after a few more shot from the Greenwich, surrendered. To you, my dear sir,

much credit and even applause were given for the capture of an enemy's ship so notorious as was the Seringapatam.

I would enter into the detailed statement which you request, but after the lapse of ten years, the particulars that at the time presented themselves did not make much impression on the mind of a surgeon, have become indistinct in my memory.

I remain, with much respect, sincerely yours,

RICHARD K. HOFFMAN.

PHILADELPHIA, *December* 18, 1824.

MY DEAR SIR: It is with much pleasure I hear that you have a prospect of being rewarded by Congress for your skill and gallantry in capturing the English armed ship Seringapatam in 1813. It affords me a satisfaction to have an opportunity of testifying that she was vastly superior to your ship (the Greenwich) in number as well as size of her guns, and about three times as large a crew. The Seringapatam measured over 400 tons, was built of teak, and copper-fastened. At the time you captured her, after a brisk and well conducted chase fight, she mounted 16 long guns on the spar deck; she was pierced for guns on the gun deck, but had none mounted there. Stivers, who commanded the Seringapatam was a daring, unprincipled marauder, who was a constant scourge to our whale fishery in the Pacific, and, although he had no letter of marque or other commission for justification, we know that he had captured one American whaleship, and was cruising for others, when you had the good luck to capture his vessel and put a stop to his piratical pursuits.

While you was engaged with the Seringapatam, we (the Essex) was capturing the whaleships Charlton and New Zealander, and so far to leeward that we could have rendered you no assistance if the Seringapatam had been victorious. The Greenwich was managed throughout the contest in such a way as to draw upon your conduct several very high encomiums from Commodore Porter in my hearing, and the most decided approbation and congratulation of all your countrymen who witnessed it.

With sincere friendship, I remain, your obedient servant,

ALEXANDER MONTGOMERY, *U. S. Navy.*

Major JOHN M. GAMBLE, *U. S. Marines, Philadelphia.*

I certify that the foregoing is a true copy of an original letter from Doctor Montgomery which is not at present in my possession.

JNO. M. GAMBLE.

NEW YORK, *January* 12, 1829.

19TH CONGRESS.] No. 268. [1ST SESSION.

ANNUAL REPORT OF THE SECRETARY OF THE NAVY, WITH THE PRESIDENT'S MESSAGE, SHOWING THE OPERATIONS OF THAT DEPARTMENT IN 1825.

COMMUNICATED TO CONGRESS WITH THE PRESIDENT'S MESSAGE OF THE 6TH OF DECEMBER, 1825.

NAVY DEPARTMENT, *December* 2, 1825.

The Secretary of the Navy respectfully submits to the President of the United States the following statements respecting the concerns of the Navy Department, during the present year.

The vessels in commission, for active service, at sea, have been the same as they were at the close of the last year, with the following exceptions:

The frigate Brandywine, then on the stocks at the navy yard in this place, has been launched and fitted out, and is now a part of the Mediterranean squadron. The schooner Nonsuch has been sold, because she was so far decayed that it was not "for the interest of the United States to repair her." The schooner Ferret was lost, in a gale, on the coast of Cuba, on the 4th February last. The Beagle and Terrier have been sold, under the law of the last session, entitled, "An act to authorize the building of ten sloops of war, and for other purposes." The latter recently arrived at Wilmington, North Carolina, in distress, and was disposed of, at public auction at that place. The proceeds of the sales of the vessels sold have been carried to the fund designated by law. The Decoy is still used, as a storeship, but will be sold on her return to the United States. The Sea Gull has been profitably converted into a receiving vessel at Philadelphia. Some of the barges have become useless, by decay, and the rest are retained on the Florida station.

The Fox, a schooner of fifty-three tons, is the only cruising vessel remaining, of those purchased under the "Act authorizing an additional naval force for the suppression of piracy."

The paper marked A, exhibits the vessels in commission, and the station on which each is employed.

The West India squadron now consists of the frigate Constellation, corvette John Adams, sloop Hornet, brig Spark, schooners Grampus, Shark and Fox, and the storeship Decoy, with the barges. The duties assigned to it have been signally accomplished. Several captures of pirates were made, in the early part of the year, of which the documents annexed furnish an account. See papers marked B. Since that time, the principal places where piracy existed have been diligently watched, and no complaints on the subject have been made, to the knowledge of the Department, for several months past.

Captain Warrington, an active, systematic and enterprising officer, commands in that quarter, and, seconded as he is, by a commendable zeal and skill in his subordinate officers, it is believed that he will continue to repress that evil, which has, heretofore, produced so much anxiety and distress.

There have been thirteen deaths among the officers attached to that squadron, occasioned by diseases, contracted either in the vessels, or in the ports of the West Indies.

Against danger, from this cause, the commanding officer was particularly instructed to be upon his guard, and has, no doubt, been attentive to his orders; but severe exposures are incident to the service, and where so many officers are subjected to them, it must be expected that they will prove fatal to some; especially to those who are not very cautious in guarding their health. We have been, however, so far fortunate, as to suffer less, from this cause, in the present, than the preceding years; arising probably, in part, from a change in the size and character of the vessels employed; and steady attention is paid to the subject, and such arrangements made, as give the best hopes of lessening the evil. Although sickness has prevailed at Thompson's Island to a distressing extent, it has been less severe than heretofore. Two officers have died there, and their deaths are probably not to be attributed solely to the climate.

The station at that place having been found unhealthy, a surrender of the buildings occupied by the War Department, at Pensacola, was obtained for the purpose, and arrangements made, early in the spring, for the removal of the stores, &c., to them. An order for the transfer was issued on the 24th May, to be sent by the Decoy; but an unexpected accident delayed the sailing of that vessel, until the 13th July, and she had an unusually long passage, of between forty and fifty days. The order is annexed, and marked C. The transfer has since been made, and Pensacola is now the rendezvous of the squadron, and will continue so; the site for a navy yard and depot having been selected, at that place, under the act of Congress, entitled, "An act authorizing the establishment of a navy yard and depot on the coast of Florida, in the Gulf of Mexico."

Immediately after the passage of that law, on the 3d March last, measures were taken to obtain such information, not then in the possession of the Department, as was necessary to a safe execution of the power, and this being procured, arrangements were made to send out Captains Bainbridge, Warrington and Biddle, to make the selection of a site.

They sailed from Norfolk on the 13th October, and arrived at Pensacola, after a very short passage, on the 25th; lost no time in completing a full examination of the places which were considered most likely to answer for such an establishment; and have made such a selection as their intelligence and discretion dictated. Their report was received at the Department on the 1st December, and has been transmitted to, and approved by you.

The orders under which they acted, together with their report, are annexed, and marked D.

The experience of the department, and personal observation during the last year, have entirely satisfied me that the greater part, if not the whole, of our navy yards, are badly located; and that a very large proportion of the public money, which has been, and continues to be, expended upon them, might have been saved, by a wiser location at the commencement. A desire to avoid the recurrence of this evil induced me to adopt the mode of selecting a site for the Florida navy yard; a mode in which the best skill would be exercised, in the absence of all private interests and feelings.

Under the law of last year, entitled "An act authorizing an examination of the harbor of Charleston, in South Carolina, of St Mary's, in Georgia, and of the coast of Florida, and for other purposes," surveys have been made of the harbors mentioned, and such examinations and surveys of Pensacola and the coast of Florida procured, as seemed necessary to accomplish the objects of that law. The expediency of establishing a "naval depot" on the Gulf of Mexico, was determined at the last session of Congress, and an appropriation made for the purpose. What has been done by the Department, on that subject, will be seen by the preceding part of this report.

A detailed statement of the surveys of Charleston and St. Mary's, to be accompanied by a chart, is now preparing, by the officers who were employed on that duty, may be communicated in the progress of the session, should it be wished, and will be some guide in forming an opinion "on the expediency of establishing a navy yard at either of those places, for the building and repairing of sloops of war and other vessels of an inferior class."

There are still, perhaps, one or two places on the coast of Georgia and South Carolina, which it would be proper to survey, but the appropriation is expended. These surveys, with others which have, from time to time, been made, under the direction of the Department, have, to a certain extent, been useful, but they have also been very expensive, in proportion to their usefulness. Made under special appropriations, and special acts of Congress, the officers and other means for their execution were to be collected at the time, and all the expense of organizing those means to be encountered at the commencement of every survey, and to be disposed of at its termination. A large part of the appropriations has necessarily been expended for this purpose; and I would respectfully suggest, that a more regular and systematic, and, therefore, economical plan, should be adopted. Our whole coast ought to be surveyed. The acquaintance with it, of our best informed men, both on land and water, is much more superficial than it ought to be. There is scarcely a mile of it which is thoroughly known. Hence our commerce, and the interests of our navy, suffer greatly, even in time of peace, and, in war, are unnecessarily hazarded. The last war exhibited, in many instances, in the enemy, a knowledge on this subject not inferior to that possessed by ourselves. It seems due to the character of the nation, and to the interests of commerce, and of the naval service, that a more systematic and scientific mode of making these surveys should be adopted; that they should extend over the whole coast; and that means, commensurate with the object, should be placed under the control of this or some other Department. A naval school would, in a short time, furnish cheap and valuable means of accomplishing them.

The Mediterranean squadron, at this time, consists of the North Carolina 74, frigates Brandywine, and Constitution, and sloops Ontario, and Erie, and is still under the command of Commodore Rodgers. A slight temporary alarm existed in the course of the summer, respecting its health, resulting from accidental causes, but from communications recently received from Commodore Rodgers, appears to have passed by, and it may be said that its general health during the year has been, and that it now is, as good as is common with our squadron in that sea. Three only of our officers, and very few of the men, have died, and no extensive sickness has prevailed among them.

The general objects of the squadron have continued the same as in former years, but additional importance has been given to its presence, in the eastern part of the Mediterranean, by the nature of the contest between Greece and Turkey, and the inconvenience to our commerce, likely to result from it. Some injuries must necessarily be anticipated, and some have actually been felt, from the unauthorized abuse of the flag of one of the contending parties to the purposes of plunder. The presence of the whole

squadron there for a short period, and the continuance of a portion of it for a much longer time, have, no doubt, prevented numerous trespasses upon our rights.

The commanding officer has been directed to yield a suitable protection to our commerce with Smyrna, and other places on the borders of that sea, and will, with his usual correctness and energy, discharge the trust confided to him. The squadron will rendezvous at Mahon for the winter, the Spanish government having granted permission to deposit, there, without charge, the stores necessary for its use. No positive exertion of force has been required to maintain our rights, nor has any incident, calling for particular mention, occurred, in preserving the discipline and health of the squadron. The whole is now in a state which merits approbation.

The Cyane lately returned from that station, and is about to perform a short cruise on the coast of South America, bordering on the Atlantic, having in view the general interests of our commerce, and a communication with the public agents of the government in that quarter. She is commanded by Captain Elliot.

The schooner Porpoise will sail in a few days, to join the squadron, and will carry orders for the frigate Brandywine to return to the United States, with a view to prepare her for a cruise in the Pacific, to relieve the frigate United States, in the course of the coming summer. It would, probably, be better not to lessen the force now in the Mediterranean, but it cannot be avoided, unless such an appropriation should be made as to enable the Department to put another frigate or ship of the line in commission.

Our naval force in the Pacific still consists of the frigate United States, the sloop of war Peacock, and the schooner Dolphin, under the command of Captain Hull. Our commerce, in that ocean, having suffered severely from the war between Spain and South America, being alternately the prey of those who used the flag of both parties, a determination was formed to recommend such an increase of our force as would be sufficient to command respect, and security for our interests, on every part of the extensive coasts of Chili and Peru, and enable the commanding officer, occasionally, to send a vessel to cruise along the coast of Mexico, California, and to the mouth of the Columbia river. But this addition is not considered indispensably necessary at this time. The war in Chili and Peru is nearly closed, and there is no Spanish naval force on the water. This state of things has relieved entirely from the depredations of one party, and taken from the other all those excuses which are usually found under the claim of belligerent rights. Our interests and commerce are, therefore, comparatively safe, and do not require a large augmentation of force to protect them. Papers, marked F, are copies of letters from Commodore Isaac Hull.

It is nevertheless thought proper to add one vessel, a sloop of war, to the squadron; and when the extent of the coast, and the islands and ocean, and the variety and magnitude of our commerce upon them, is considered, no hesitation is felt in assuming it as a fact, that our interests require at least four vessels for their protection, even in a state of peace between all the powers, whose rights and commerce extend to that portion of the globe. It is proposed, therefore, in the course of the ensuing summer, to send another sloop of war to the Pacific, and also to relieve the frigate United States by a vessel of the same class.

Orders were given, on the 24th May last, to Commodore Hull, to visit, at a convenient and proper time, the Society and Sandwich Islands, for the purpose of looking to the interests of our navigators, and to endeavor to relieve some of the latter islands from a number of American seamen, who, having deserted, have given great annoyance both to our vessels and to the inhabitants. It is hoped he will be able to make that visit before he returns to the United States, and that it will have a salutary effect.

The distance to our squadron in the Pacific, and the length and uncertainty of the passages around Cape Horn, render it extremely inconvenient to make the necessary communications between the Department and the commanding officer. In some instances, within the last two or three years, it has been found necessary to send special messengers for the purpose. It is believed that a regular line of communication, through Panama and the Isthmus, may be established at small expense, so as to furnish a periodical conveyance in both directions, as often as once in four or six weeks. It is wished by the Department to have such a plan in operation in the course of the ensuing spring. Should the wish be gratified, great benefit will result to the public service, and the effect on the mercantile interests of the country may be estimated by those who best understand the extent of our commerce in the Pacific, and the difficulty of corresponding with commercial agents there

Inconveniencies having been, heretofore, felt, in the fisheries to the north, particularly in the Bay of Fundy, and on the coast of Newfoundland, it was thought that the presence of a public vessel might be useful there. The schooner Porpoise, under the command of Master Commandant Parker, was, therefore, sent, early in June; and, after making an examination, throughout the line of fisheries, as far north as 55 deg. 9 min. of latitude, returned to New York October 25. The reports of Captain Parker have been satisfactory, and the cruise beneficial. The only injury to our fishermen, of which information was received, was, that a small number of them had been, in the early part of the season, and before the arrival of the Porpoise, ordered away from Higurath Bay, by the French, who claim a right to the use of that bay, exclusive of all other nations; a right to which our government has not assented.

It is proposed that a similar cruise be made during the fishing season of the next year.

Due attention has been paid to the agency for recaptured Africans, and vessels, from time to time, sent to it, and to accomplish the objects of the laws for the suppression of the slave trade No information has been received of our flag being used in that trade, although it continues to exist, and it is to be feared that some of our citizens are engaged in it. The situation of the agency has not been materially changed since the last communication respecting it.

The expenditures during the year, so far as yet known, are $12,900.31, and it will be necessary to make an additional appropriation for its support, in the course of the present session. The number of Africans sent to it will be greatly increased in the next three or four months. A decision of the Supreme Court in the case of the General Ramirez, placed under the control of the government from 125 to 130, who were brought into Georgia, and arrangements are making to send them to the agency.

The paper G shows the naval officers who have died since the 1st December, 1824. It contains the names of some of the most promising, active, and meritorious, at the head of whom is that of Commodore M'Donough. His loss is to be deeply deplored, both on account of the splendid services he has performed, and the useful example of private and public worth which he exhibited to his brother officers.

Paper H shows the resignations during the present year.

Paper I is a report of the expenditures for the naval service during the year.

The estimates for the ordinary service of the ensuing year will be found in papers marked K.

Should any, or all of the objects recommended in this report find favor with Congress, additional appropriations, to a small amount, will be required. The form of the estimates is the same as that of last year, both being dictated by the understanding which the Department has of the wishes of Congress on the subject. The reasons for any change which exists in the amount of any of the items, will be found in this report.

One of the most serious inconveniences under which the Department labors in the administration of the concerns of the navy, is the *time* at which the appropriation bills are passed by Congress. They are passed, in the short session, late in February, and, in the long session, generally in May, so that, during a period of from one-fourth to a third of the year, the Department is left with funds previously appropriated, and must, of necessity, permit expenditures not yet legally authorized. Another evil results: It is the will of Congress often to change the wording and character of the appropriation, and, after the bill is passed, it is a mouth or six weeks before the instructions under the new appropriation can be given to and acted upon by the agents. It consequently follows, that, for nearly one-half of the year, the Department acts in perfect ignorance of the law under which it is bound to act. Expenditures are made, under one form, when they ought to have been made under another. The law is, necessarily, not complied with, because it is passed after the act is performed. Infinite confusion is created in settling the accounts, and it is impossible for any talent or any industry ever to have them rendered and settled, in that plain and simple manner in which they ought always to be exhibited, and in which they must be exhibited if any efficient control is to be had by Congress or the Department, over that branch of the service. The accounting officers do all that capacity and labor can accomplish, but they cannot settle an account according to the forms of a law not yet in existence; nor can they, every year, alter the items, open new books, meet the errors resulting from this cause, in accounts transmitted from a distance, and yet settle the accounts of the year within the year. A remedy might be found in two circumstances:

1st. An earlier passage of the appropriation bill, or by making the year end on the 1st April, and always passing the bills before that day. If the latter mode be taken, the first appropriation should be for fifteen or eighteen months.

2d. By reducing the number of heads, under which the appropriation for the service is made, and continuing those heads permanently.

It would be more practicable, under this arrangement, than it now is, to make the investigation and preserve a rigid accountability.

The appropriation, so far as the contingent is concerned, has been, within the two last years, changed, and the sum appropriated, ordered to be expended only on the contingencies of the year in which the bills were passed.

Two difficulties have arisen, which it is my duty to mention:

1st. Much of the year had expired before the law was passed, and the agents and pursers informed of it; they, of course, had, until that time, paid the money and transmitted the accounts, under the old forms. An effort has been made to correct this unavoidable error, and to settle the accounts by the principle laid down in the law, but it has proved very ineffectual. It is next to impossible to retrace the items, and place them under their proper heads; and, where money has been paid, on debts really due by the government, for the preceding years, it could not be recovered.

In the second place, many of our officers are on foreign stations, and at such a distance from the seat of government that their claims in preceding years could not be transmitted for settlement, until after the passage of the existing law, and therefore, when presented, payment was denied to them. The Department had no right to use the appropriation for the satisfaction of any claims which originated before the beginning of the year.

Yet the claims were just; the government owed the money; the debt was honestly and fairly contracted under the law, as existing and known to the Department and officer. The effect on the service, and the individual, has been severely felt.

Another difficulty which has been encountered, and to which legislative attention will, no doubt, be directed at no distant period, is that of procuring and enlisting seamen. Our vessels are sometimes detained by it an inconvenient length of time, occasioning much additional expense, and depriving us of their active service at sea. The higher wages, and stronger inducements, held out by the merchant service, and the temptations presented by other governments, are the active causes which produce this state of things, at this time.

The Department has endeavored to escape the evil by such arrangements, as, being within its power, promised to have most effect. Among them, is that of placing, at each of the principal recruiting stations, a vessel not calculated for the sea, but fitted up with the same comfort, and officered and governed in the same way as if in actual commission, to which the recruit can be sent, and there kept, until he can be transferred to the vessel in which he is to sail. One or two have already been prepared for the purpose, and others will be, without delay. This arrangement is still matter of experiment, and the effect may not prove beneficial. The benefits promised are, that the seamen, assured of immediate comfort, will more readily enlist; their health will be promoted, and the diseases contracted on shore removed; they will be disciplined and trained, so as to be, at once, useful; fewer desertions will take place; they can be employed in the yards, should circumstances call for it; and our vessels, when they arrive, and discharge those whose service has expired, be again manned, without delay. But the arrangements of the Department, however useful, must be comparatively inefficient to remove the evils suggested. The remedy rests with the power which can establish permanent regulations, which will tend both to increase the number of seamen, and bind them more permanently to our public service. This object will be found, in the progress of our naval history, to be of high importance. Our naval power, in all other respects, has its limits only in the will of the nation. Our free institutions interpose a barrier to a compulsory augmentation of the number of our seamen, and a system must be devised which will ensure voluntary enlistments sufficient to meet our increasing wants. Two of the features of this system will probably be, to admit more boys, in the character of apprentices, and enlist robust and healthy landsmen, in the interior, who will soon acquire the habits and skill of seamen, and form a most valuable portion of our force.

Other difficulties have arisen, from the present disposition of the building arrangements at our yards. They have, heretofore, been improved by temporary expedients, and the buildings erected and arranged with reference only to existing necessities, and without regard to the future and growing wants of our

navy. Many and serious evils have resulted; much public money has been unnecessarily expended; many losses sustained by the change, removal, and alteration of the several erections; timber exposed to decay; stores requiring immense labor to deposit and preserve them; a much larger number of hands required to perform the work; unpleasant, and sometimes injurious delays in fitting out our vessels. It is a mortifying fact, yet there is no doubt of its truth, that one-third of the money expended at our yards, has been lost from this cause. The remedy is manifest, and it is earnestly hoped that means may be provided to apply it. A commission of prudent and intelligent officers should be selected, to examine minutely and carefully all our navy yards, and to make a plan for each, suited to its location, and the future wants of the service at it; prescribing the buildings which will be required, and the location and character of each building, together with such improvements in the ground and form of the yard as will be most beneficial. This plan, after being submitted to the Department, and amended if necessary, and approved, should be the guide in all future expenditures. The expense of making such a plan, and erecting the buildings necessary to execute it, would cost a large sum of money, and increase the present expense of our naval establishment; but the future saving to the nation, by adopting and pursuing it rigidly, may be counted by hundreds of thousands, perhaps by millions of dollars; and the promptitude which would be created by it in all our works, and especially in the fitting out of our vessels, be felt in the efficiency of every part of the service. A board of officers could form such a plan, to be submitted to the Department in the course of one season, and would be established; but it will demand some expenditure of money, and the present form of the appropriation forbids it; and, as it must be completed by legislative aid, it is now proposed to you, in the performance of my duty, that if approved, it may be adopted.

An allowance book for all the wants of each vessel of the several classes, has been prepared with great care, by the Board of Navy Commissioners, and approved by the Department; a copy of which will be sent to each of the yards, and be the *invariable* guide in preparing our vessels for sea. If to this were added, a proper arrangemant of the buildings, materials, and stores, in the yard, a very small portion of the time now spent in port, would be required, and our vessels be able to render much more service at sea. Statement, marked E, in paper K, shows the progress made under the law for the gradual increase of the navy.

The annexed letter to the Commissioners of the Navy, marked L, and their report, marked F, in paper K, will show the progress that has been made in executing the law, passed on the 3d March last, "to authorize the building of ten sloops of war, and for other purposes." It will be perceived, that orders were issued to the respective commandants at Portsmouth, Philadelphia, Washington, and Gosport, for the construction of one sloop of war at each of the yards under their command; and, also, to the commandants at Charlestown and Brooklyn, to make arrangements to commence, immediately, the construction of three sloops of war at each of those yards. Three of the ten sloops will be launched within the present year, two at Charlestown, and one at Brooklyn, one of those at Charlestown will be ready for sea before the first January next.

Contracts for the timber and other materials, for all the sloops authorized by law, have been made upon terms favorable to the government, to be delivered at the several places of building, within the ensuing year: in which time, it is believed, the entire number may be afloat, should Congress think proper to make the appropriation for that purpose. It will be recollected that the estimate for building these vessels was $850,000, and that $500,000 only were appropriated by the law authorizing their construction. The remaining $350,000 will be necessary before they can be completed. The Department was urged to build some of these vessels by contract, with a view to occasion a portion of the expenditure at places other than our navy yards. But as all the expenditures of the Department, except the expenses of building, are made by public contract, and thus equally open to all parts of the Union, this consideration was believed to be of inferior moment, and other reasons seemed to render it both inexpedient and illegal. If built anywhere but in our public yards, it must have been by contract, or by the establishment of temporary yards. Building by contract has been abandoned, as inexpedient and expensive, for many years past, and ought not to be resumed but by the express direction of Congress. This direction has been, more than once, attempted, and always refused, thus indicating strongly the legislative opinion on the subject. The law itself, is in the same form as that for the gradual increase of the navy, and it was, therefore, to be presumed, that Congress meant it to be executed in the same mode. In addition to which, the appropriation was for a part only of the cost: and if contracts for *completing the whole*, had been made, a refusal by Congress to provide the means, at the time required by the contracts, would have created serious inconvenience to both parties.

The other mode, of establishing temporary yards for the purpose, collecting officers, materials, and machinery, and disposing of them when the work was completed, was surrounded by so many objections, both as to convenience and economy, as permitted no hesitation in rejecting it. It was not doubted, therefore, that the proper execution of the law required that the contracts for materials should be made in the usual mode, and the building be done at our public yards.

Under the authority given by the second section of this law, sale has been made of the whole of the public vessels upon Lakes Erie, Ontario, and Champlain, except the ships of the line New Orleans and Chippewa, at Sackett's Harbor, and the schooner Ghent at Erie. Almost the whole of the public property at those places has also been sold or ordered to be transported to the navy yards on the Atlantic, and the stations will be broken up as soon as those orders can be executed, leaving only an officer and one or two men at each, to look after such property as it may be found impossible or inexpedient to remove. For the expense attending these operations, no appropriation was made during the last session of Congress, the estimates having been presented before the law for the sale of the vessels on the lakes was passed, or the direction given for the removal of the stores. It has therefore diminished the contingent fund to an unexpected extent, and created a necessity for an addition to the appropriation of the present year. It is, however, a temporary expense, and less than is required for the support of those stations, and will avoid the necessity of making estimates for them, after the present year, saving annually about $25,000. (See statement H in paper marked K.)

In this first annual report to you, I would respectfully call your attention to the wants of the service, in relation to discipline, efficiency, and economy. These matters have been presented and urged by me in reports to your predecessor and to Congress. To repeat my views on them would be superfluous; I therefore respectfully refer you to the reports, particularly those which are dated 24th January, 1824, and 1st January, 1825.

Without an organization of some kind, without a revision of our penal code, and of our rules and

regulations, and without a naval school, tardy amendments may be made in the naval service, and in its administration, but it is in vain to hope for speedy, useful, and very practical changes. The power of the Department is unequal to such objects. Even the exercise of the power properly belonging to it, without legislative aid in other respects, would produce unpleasant excitement and complaints. With the aid which has been heretofore earnestly entreated from Congress, it is confidently believed that a system more prompt, more efficient, and more economical, could readily be introduced.

The experience of the present year has confirmed, most strongly, the views taken on all the subjects mentioned in the reports to which I refer you.

Very respectfully, &c., SAM. L. SOUTHARD.

A.

List of vessels of the United States navy in commission, and their stations.

Name.	Rate.	Station.
North Carolina	74	Mediterranean.
Brandywine	44	Mediterranean.
Constitution	44	Mediterranean.
United States	44	Pacific.
Constellation	36	West Indies.
Cyane	24	Coast of Brazil.
John Adams	24	West Indies.
Erie	18	Mediterranean.
Ontario	18	Mediterranean.
Peacock	18	Pacific.
Hornet	18	West Indies,
Boston	18	Will be put in commission early next year.
Spark, brig	12	West Indies.
Porpoise, schooner	12	Mediterranean.
Grampus, schooner	12	West Indies.
Shark, schooner	12	West Indies.
Dolphin, schooner	12	Pacific.
Fox, schooner	3	West Indies.
Decoy, storeship	6	West Indies.
Barges	..	West Indies.

B.

THOMPSON'S ISLAND, *February* 15, 1825.

SIR: I regret very much that my first official report should be of an unpleasant nature.

The United States schooner Ferret, commanded by Lieutenant Charles H. Bell, was unfortunately lost on the coast of Cuba, between Matanzas and Havana, on the afternoon of the 4th inst.

The letter of her commander, (which will be communicated to you by Commodore Porter,) giving a clear and concise account of this untoward occurrence, renders it unnecessary for me to add anything on the subject.

I am greatly pleased to find the loss of human life is but small, and unmarked by the death of any officer, although the crew were twenty hours on the wreck in a high sea, without food or water. Five sailors only, (whose names are mentioned in the list accompanying Lieutenant Bell's letter,) were drowned. The active exertions of Lieutenant Commandant M'Keever of the Sea Gull, and of acting Sailing Master Porter, (who had been dispatched in a small vessel to Cuba,) rescued the remainder from impending death, when hope was nearly destroyed.

I am, with great respect, your obedient servant, L. WARRINGTON.

Hon. SAMUEL SOUTHARD, *Secretary of the Navy.*

U. S. STEAM GALLIOT SEA GULL, *Matanzas, March* 10, 1825.

SIR: Since the departure of the John Adams, nothing material has occurred on this station. No piracies have been committed for several months past, nor have we the least intelligence that should induce us to believe there are any preparations making at the present moment, for their commission. The Sea Gull was sent up to the eastward a few days since, with orders to search a particular part of the coast very carefully, which duty she performed, and returned without seeing or hearing anything that could excite suspicion.

The presence of one or more of the small vessels constantly at and off this harbor, is, however, the cause of their inactivity.

I am fearful that the barge commanded by Lieutenant Pearson of the John Adams, which was missing at the time that ship sailed, is lost; as we have not heard of her, since the 10th of February.

The following is the present distribution of the squadron:

The Hornet, Captain Kennedy, cruising on the south side of this island.

The Porpoise, Lieutenant Commandant Skinner, cruising in the Gulf of Mexico.

The Grampus, Lieutenant Commandant Sloat, cruising off the Island of St. Thomas.

The Sea Gull, Lieutenant Commandant McKeever, and Terrier, Lieutenant Paine, stationed off this place for the protection of the commerce of this port.

The Shark, Lieutenant Commandant Gallagher, stationed at Havana for the same purpose.

The Decoy, Lieutenant Commandant Mix, at Thompson's Island awaiting orders.

I am, very respectfully, &c.

L. WARRINGTON.

The Hon. SAMUEL L. SOUTHARD, *Secretary of the Navy.*

U. S. SCHOONER GRAMPUS, *St. Thomas, March* 12, 1825.

SIR: I have the honor to report, for the information of the Department, that, having learned that several vessels had been robbed by pirates, near Faxardo, and that two sloops of this place, and one of Santa Cruz, had been taken by them, and two of them were equipped and cruising as pirates, I obtained two small sloops at this place, free of expense, by the very cordial co-operation of his excellency Governor Von Sholtens, of St. Thomas, who promptly ordered the necessary documents to be issued, and imposed a temporary embargo, to prevent the transmission of intelligence to the pirates, which sloops I manned and armed, under the command of Lieutenants Pendergrast and Wilson, for the purpose of examining all the small harbors of Crab Island, and the south coast of Porto Rico. We sailed on the first of March, and examined every place as far to the westward as Ponce, without success, although we got frequent information of them. We anchored at Ponce on the evening of the 3d, and took our men and officers on board; the next morning at 10 o'clock a sloop was seen off the harbor, beating to the eastward, which was very confidently supposed to be one of those fitted out by the pirates. I again got one of the sloops and manned her, under the command of Lieutenant Pendergarst, accompanied by Acting Lieutenant Magruder, Doctor Biddle, and Midshipman Stones, with twenty-three men, who sailed in pursuit. The next day, at 3 o'clock, they had the good fortune to fall in with her in the harbor of "Boca del Inferno," which is very large, and has many hiding places, where an action commenced that lasted forty-five minutes, when the pirates ran their sloop on shore and jumped overboard; two of them were found killed, and ten of those which escaped to the shore were taken by the Spanish soldiers, five or six of whom were wounded, and amongst them the famous piratical chief Cofrecinas, who has long been the terror of the coast, and the rallying point of the pirates in this vicinity. As near as we can ascertain, he had fifteen or sixteen men on board, and was armed with one four-pounder, and muskets, pistols, cutlasses, and knives, for his men.

The sloop was got off, and arrived safe with our tender at this place last evening, and I am happy to add, that none of our people received any injury, and all have returned in good health, notwithstanding their exposure to the sun and rain for eleven days, without the possibility of getting below. I have much pleasure in stating to you, that I received every assistance from the authorities of Ponce, whilst there, and that they showed every desire to promote the success of the expedition. I have the honor to enclose you a copy of a letter sent by them to Lieutenant Pendergrast, thanking him, and the other officers and men, for the service rendered the country in the capture of the pirate.

The success of the enterprise, against skillful and cunning adversaries, is the best proof I can offer you of the good conduct of the officers and men engaged in it, and renders superfluous any eulogium from me.

I have the honor to be, very respectfully, sir, your obedient servant,

JOHN D. SLOAT.

To the Hon. SAMUEL L. SOUTHARD, *Secretary of the Navy, Washington.*

To Lieutenant Pendergrast, the officers and crew of the sloop Dolphin, now in the service of the U. S. of America:

The alcade of Ponce, Don Jose Torres, and the military commandant, Colonel Don Tomas Renovales, request me to say to you, that, in the name of the governor of this island, and of the Spanish nation, they present you their thanks for the important service you have rendered them in capturing the piratical vessel commanded by the noted Cofrecinas.

They have written to the chief authority an account of your gallant and successful expedition, and hope your future exertions may meet with equal success.

In them you will always find friends and brother officers in an honorable cause, and all the assistance they may have in their power.

They request you to accept the refreshments now sent off, and regret that your short stay deprives them of the pleasure of showing you more particular attention. They are also happy to say that Captain Manuel Marcam has also been successful in securing some of the pirates who swam to the shore after you captured their vessel.

Wishing you success, health, &c., I am, gentlemen, your friend and servant,

JAMES J. ATKINSON.

PONCE, *March* 6, 1825.

UNITED STATES SCHOONER GRAMPUS, *St. Thomas, March* 19, 1825.

SIR: On the 12th of this month, I had the honor to report the capture of a piratical vessel on the south side of Porto Rico, by an expedition fitted out from this vessel, and her safe arrival at this place; also, my having given her over to the governor, to be returned to her former owner, an inhabitant of St. Thomas. I subsequently learned, that the pirates who swam on shore had been taken and sent to the city of St. John's, the seat of government of Porto Rico, at which place I called to offer our testimony against them. Enclosure No. 1 is my letter to the captain general. No. 2 his reply, which I have forwarded for the

information of the Department. Our testimony was not required, as they have confessed sufficient to convict them.

The capture of this vessel, I find, is considered of much more importance, by the governments of Porto Rico, St. Croix, and St. Thomas, than I had any idea of, as the leader, Cofrecinas, has for years been the terror of this vicinity, and his career has been marked by the most horrible murders and piracies; and, for some time, a large reward has been offered by the government of Porto Rico for his head. Although wounded when he got on shore, he would not surrender until he received the contents of a blunderbuss, which shattered his left arm, and he was brought to the ground with the but of it.

I have seen him in prison, and he declares that he has not robbed any American vessel for the last eighteen months, only, however, for want of an opportunity. Several persons on shore, heretofore considered respectable, have been arrested as accomplices of the gang. Six of them were brought to St. John's and committed to prison whilst I was there. The captain general has promised me that these desperadoes shall have summary justice; that he will not wait for the civil court, but will order a court-martial immediately, to try them.

I have great pleasure in stating to you, that the captain general appears to have every disposition to prevent all piracies from the coast of Porto Rico, and to co-operate with me by all the means in his power; and for which purpose he gave me a circular letter to all civil and military officers on the coast, requiring them to give me every assistance and information in their power, whenever the Grampus or her boats may make their appearance on the coast, or in any of the harbors of the island; a copy of which is enclosed, No. 3.

I have also the honor to enclose you a note from me to the Governor (Von Sholton,) of St. Thomas, No. 4, requesting him to give the necessary orders to receive the sloop, and to have her restored to her original owner, and his reply, No. 5. Also, a letter from J. J. Atkinson, Esq., in behalf of the alcalde and military commandant of Ponce, No. 6. When I left St. John's, the fiscal was taking the declaration of Cofrecinas, and the captain general promised me a copy of it, but having a large convoy to take to sea on Sunday (to-morrow) from this place, I could not wait for it; it will be sent to me in a few days, when I shall send it to you for the information of the government, as I have no doubt it will throw much light on the subject of piracies.

I have the honor to be, very respectfully, sir, your obedient servant,

JOHN D. SLOAT.

To the Hon. SAMUEL L. SOUTHARD, *Secretary of the Navy, Washington.*

(No. 1.)

U. S. SCHOONER GRAMPUS, *St. John's, Porto Rico, March* 14, 1825.

SIR: I have the honor to imform your excellency that I have arrived in this harbor with the U. S. schooner Grampus, under my command; the object of my visit, at this time, is to inform your excellency that a small sloop, a tender to this vessel, met with a piratical sloop in the harbor of "Boca del Inferno," under the command of the famous piratical chief Cofrecinas, on the 5th day of the present month, and, after a desperate resistance, drove her on shore; the pirates that were not killed jumped overboard, and got on shore, where ten of them, I understand, have been taken by the troops in that vicinity, and sent to this place. Should your excellency consider the testimony of the officers of the Grampus at all necessary in bringing those enemies of mankind to justice, it will be cheerfully afforded. The sloop I took to St. Thomas, and gave her to her former owner.

I have the honor to be, with the greatest respect, your excellency's most obed't serv't,

JOHN D. SLOAT.

His excellency S. D. MIGUEL DE LA TORRE, *Capt. Gen. of the Island of Porto Rico.*

(No. 2.)

[Translation.]

GOVERNMENT AND CAPTAIN GENERALSHIP OF THE ISLAND OF PORTO RICO,
PUERTO RICO, *March* 17, 1825.

I have received the official letter which you were pleased to direct to me, under date of 14th ult., informing me of the object of your visit to this port, and offering, if necessary, the declarations of your officers and crew (who fought with so much bravery against the pirates in the "Boca del Inferno,") in case they should be found necessary for the conviction of these criminals, in the process instituted against them by this captain generalship. I return you my most grateful thanks, as well for this offer, as for the effectual assistance you have rendered in the pursuit and capture of these wicked wretches, of which good service I was already informed, by the military commandant and other authorities of Ponce. Be pleased to accept the tender of my acknowledgments, and also be the organ of communicating them to the officers and crew of the schooner under your command, for their co-operation, which confers so much honor on the navy of the United States; and as regards their declaration, (considering that the pirates do not deny the principal facts, and that they have already convicted themselves,) I do not think it necessary to put them to the inconvenience you were pleased to offer, and which goodness would have been accepted, had it been found necessary. This captain generalship, in renewing to you its acknowledgments, flatters itself that you will be pleased to continue your good services in the pursuit of this scourge of humanity, that, in case there should still be any remaining, they may be brought to suffer the condign punishment which their captured comrades will not fail to receive. To effect this the most energetic orders have been issued, that all the authorities of the coast should hold themselves unanimously in readiness to

co-operate with you, in the most efficacious manner, for the attainment of this result. Accept, Senor Commandant, the assurance of my respect, and of the consideration with which I pray God to preserve you many years.

MIGUEL DE LA TORRES.

To the COMMANDER *of the U. S. Schooner Grampus, in the bay.*

(No. 3.)

[Translation.]

PUERTO RICO, *March* 16, 1825.

The captain of the U. S. American shooner Grampus, (Lieut. John D. Sloat,) goes in pursuit of pirates, for which purpose he will visit all the ports, harbors, roads, and anchorages, which he may find convenient; in consequence, you will give him all the necessary aid and notice for discovering them, and in case of meeting with them, the authorities of the coast, both civil and military, will join themselves unanimously with the said commandant to pursue them by land while he does the same by sea; and in case any of these wicked wretches should seek refuge in the territory of any part of the island, they will pursue them briskly until they have possessed themselves of their persons. The government expects, from the known zeal of the authorities referred to, that they will display the greatest activity, efficacy, and energy, in this important service, assuring each in particular of the lively interest which it feels for the total extermination of such vile rabble, the disgrace of humanity. Those who shall distinguish themselves, in the opinion of the government, will be reported to his Majesty, giving to each one justice, according to his merits.

God guard you many years.

MIGUEL DE LA TORRES.

To the MILITARY COMMANDANTS OF THE QUARTERS, ROYAL ALCALDES, *and other civil and military authorities and functionaries of the coast of this Island.*

(No. 4.)

U. S. SCHOONER GRAMPUS, *St. Thomas, March* 12, 1825.—8 *A. M.*

SIR: Having been informed by the captain of a vessel that arrived in this port, that the piratical vessel which the Danish man-of-war and myself had for some time been in search of, was in the vicinity of Crab Island, and had captured and plundered several small vessels belonging to this place, and no Danish man-of-war being at the moment in port, I did not hesitate to request of your excellency permission for the three Danish sloops, (whose captains had volunteered their services) to assist me in pursuit of her. Your excellency immediately granted the request, on the sole condition that I should pledge myself as an officer and gentleman that the vessels should not be used for any other purpose than searching for pirates. I can assure your excellency that they have been used by me for no other; the sloop which arrived this morning is the last of the three which were under the command of Lieutenant Pendergrast, who was so fortunate as to fall in with, and capture the piratical vessel we have been so long in search of, commanded by the famous chief Cofrecinas, who is badly wounded: the most of his crew were killed or wounded, and the survivors are all, I believe, now prisoners in Porto Rico, where the government afforded every assistance to the expedition whilst on that coast, and in capturing those that swam on shore. I herewith return your excellency the documents placed by you in my hands, to be used by the sloops engaged in the expedition. I cannot forbear to recommend to your excellency, Captain Perrelty, master and owner of the Danish sloop Dolphin, who rendered great assistance by his knowledge of the coast, and his good conduct during the cruise, and whom I beg leave to recommend to your particular notice.

I have great pleasure in restoring to the rightful owner the sloop captured from the pirates, and request your excellency to give the necessary orders to have her delivered to him. I also enclose several sets of Danish papers, taken on board the piratical vessel.

I have the honor to be, with great consideration and respect,

Your excellency's most obedient servant,

JOHN D. SLOAT.

To his excellency Governor VON SCHOLTEN, *of St. Thomas, St. John's, &c., &c.*

(No. 5.)

GOVERNMENT HOUSE, *St. Thomas, March* 12, 1825.

SIR: I have the honor to acknowledge the receipt of your letter of this instant, and am extremely happy at the successful result of the expedition.

I shall take a pleasure to lay your communication before my government, and beg you will be assured how much the community, and I, feel obliged to you for the assistance you, on every occasion, so readily afford this island.

I have the honor to remain, sir, your most obedient servant,

P. SCHOLTEN.

To Lieutenant Commandant, SLOAT, *commanding the U. S. Schooner Grampus.*

(No. 6.)

PONCE, *March* 12, 1825.

DEAR SIR: I have the pleasure of communicating to you the agreeable information (at the request of Colonel Renovals) that the chief of the pirate you saw passing in front of the port, and in pursuit of whom you despatched the expeditions, under the command of Lieutenant Pendergrast, has been captured, with twelve of his associates, on shore, near Guayama, all desperately, if not mortally wounded, particularly the leader, Cofrecinas; who landed wounded, and then fought Captain Marcanos until he had three bullet and two sabre wounds; he cannot survive.

The commandant and alcalde present you their sincere and warm thanks for the service and aid you have rendered this place in capturing this pirate, and wish to be remembered to yourself, Lieutenant Pendergrast, and the other officers of your expedition. They wish soon again to see you, and hope you will remain in port long enough for them to show you some particular attention.

Your friend and servant,

JAMES J. ATKINSON.

Captain J. D. SLOAT, *of the U. S. Navy.*

Many of Cofrecinas' confederates on shore are arrested; five from here sent to St. John's.

U. S. SCHOONER SHARK, *Thompson's Island, April* 3, 1825.

The enclosed report from Lieutenant Commandant Isaac McKeever, of the U. S. steam galliot Sea Gull, which I have the honor to transmit, gives an account of the successful result of an expedition on which I had sent that vessel, with the barge Gallinipper, on the 20th ult.

On the 21st ult., Lieutenant McKeever fell in with a party sent by Captain Maude, of H. B. M. frigate Dartmouth, for a similar purpose, and having made an arrangement to act in concert, they, thus united, proceeded to the accomplishment of their object, viz., the capture or destruction of a piratical schooner and boat, which I had been confidently informed had committed a piracy but a short time before, and was then equipping for another cruise.

Although the schooner, when captured, had on board a paper professing to be a license for her as a cruiser on the coast, yet, from the want of the captain general of Cuba's signature, or that of the general of marine, to this document, her complete state of preparation for action, the training of her guns on the boats as they approached, the abortive attempts to fire on them, several times repeated, the actual commencement of a fire of musketry, and the quantity of American property found on board and in their lurking places on shore, with the erasure of all the marks by which either its owners or the vessels in which it had been embarked, could be ascertained, I have not the least doubt of her piratical character.

The vessel, and a boat which was the next day captured (all the crew of which escaped on shore), were on the 30th ult. lost in a violent squall on the beach. I have directed the prisoners to be sent to Havana, there to be delivered up to his excellency the captain general, with all the papers which were found, and a succinct account of the circumstances attending the capture.

Before closing this, I must be allowed to express the great satisfaction I feel at the destruction of these vessels, and the capture of so many persons prepared to prey upon the commerce and sport with the lives of our unprotected fellow countrymen engaged in the pursuit of a lawful and peaceable occupation.

To Lieutenant McKeever, and the officers and crew of the Sea Gull, great credit is due for their constant and unremitted exertions, in defiance of fatigue and hunger. The ability of the first named officer has been conspicuously displayed on this occasion, and we are under no small obligations to Lieutenant Ward, the officers and men of H. B. M. ship Dartmouth, for their efficient co-operation, and their strenuous endeavors to effect our common object.

Nineteen prisoners have been brought in, of whom six are wounded. Eight or ten were killed, and the remainder escaped to the shore, where they effectually concealed themselves from pursuit.

I am, with very great respect, your obedient and very humble servant,

L. WARRINGTON.

U. S. STEAM GALLIOT SEA GULL, *Thompson's Island, April* 1, 1825.

SIR: I have the honor to give you a detailed account of the late cruise on which I sailed from Matanzas, immediately after the reception of your orders of the 19th ultimo, taking with me the barge Gallinipper.

At Stone Key, I met H. B. M. ship Dartmouth, under the command of the Hon. Captain Maude, and was informed by him that some of his boats were then cruising to windward, in company with his B. M. schooners Union and Lion; continued our course, and fell in with them the next evening at Cadiz Bay.

As they were also in search of pirates, but without any particular or certain information of their haunts, of which I was possessed, I deemed it proper to propose a co-operation; it being perfectly understood that I was to have the conducting of the enterprise. This proposition was cheerfully acceded to, and requesting that the schooners should not leave Cadiz Bay to go to windward within three days, I left the Sea Gull under charge of Lieutenant Rudd, and took with me, independent of the barge, which was well manned, two small cutters, with five men in each, and, in company with a British barge and two cutters, under charge of Lieutenant Ward, of the Dartmouth, we made the westernmost point of the entrance of Sagua la Grande, where we were detained forty-eight hours in consequence of strong head winds. The day after we arrived there, our water being nearly expended, the British barge, and Gallinipper, Lieutenant Cunningham, sailed in quest of some, although it was blowing a heavy gale from the eastward, and on the evening of the same day, the Gallinipper was capsized in a squall, but, with the assistance of Lieutenant Ward and his crew, our officers and men were saved, and the vessel righted; she rejoined me, with the intelligence of the accident, a few hours after it happened, having lost part of her arms, ammunition and provisions.

Notwithstanding this very serious misfortune, after pledging myself to procure provisions, we determined not to abandon the pursuit of our object, but upon the very last extremity; accordingly, the next morning (the 25th ult.), the wind abating, we made another effort, and gained the mouth of the river Sagua la Grande about noon; at this place I found a fisherman, and compelled him, much against his inclination, to pilot us to the Key of Jutia Gorda, one of the places of our destination, and at about 4 P. M. descried the masts of a vessel lying nearly concealed by the bushes under said Key. We immediately pushed for her, and when we approached within hail she hoisted Spanish colors, and ordered us to keep off or she would fire into us, having her guns trained and matches lighted, with which they made several ineffectual attempts to fire the gun pointed upon the advancing boat; the channel being very crooked and narrow, the boats grounded several times; at length, one of the British cutters succeeded in passing the bar, and as two boats abreast could not approach, the officers and crews of the others were ordered to jump overboard and wade to the shore; where, taking a commanding position on the bank of the inlet in which she was anchored, and within twenty yards of her, I ordered her commander instantly to come on shore, and not fire at his peril. After much hesitation, and reiterated threats to fire upon us, he obeyed; by this time every one on board was in great confusion. Instead of coming to me, he and a man who had accompanied him, attempted to make their escape; the commander, however, was seized, but his companion fled to the mangrove bushes. I now directed him to order his colors to be hauled down, and to surrender his vessel and crew. He did order his colors to be struck, but at the same moment a musket or pistol was fired at the cutter then close alongside, which was immediately returned, and a general fire ensued; the leader of the band, availing himself of the confusion, attempted flight; I fired at and wounded him; he fell, but rising very soon and attempting to fight his way through our men with a long knife, he received several other wounds, and was retaken. Many of the pirates, in endeavoring to make their escape by jumping overboard to gain the mangrove bushes, were shot; whilst others, seeing no chance of escape, were driven below by the boarders and musketry from shore.

On taking possession of her, she proved to be a schooner mounting two six-pounders on pivots, four large swivels, and several blunderbusses, and completely equipped for a complement of thirty-five men, which was the least number she could have had on board, as we took nineteen persons, and can account for eight killed. Several effected their escape into the mangrove bushes, and we are induced to believe that others were killed, whose bodies are supposed to have floated out to sea unobserved, as there was a strong ebb tide. Among the prisoners are six wounded, one of whom is their chief, and calls himself Antonio Ripol. We were fortunate in having but one man wounded, a British marine, who received a slight cut in the arm.

After securing the prisoners, we searched the schooner, and discovered that, with the evident intention of blowing us up, they had placed lighted cigars in and near the magazine, which were soon carefully removed. We also found many articles on board, of American produce, (and to all appearance but recently taken, as the cases were quite new and clean:) New York hats, shoes, flour, rice, cheese, butter, lard, &c., &c., and to confirm their character, if there had been the least shadow of doubt remaining, we found the counterpart of these articles concealed in a thicket about twenty yards from the vessel, which was approached by a meandering path, and could only be discovered by careful search, so cautious were they in their operations. The following morning at daylight, Lieutenant Ward and myself took with us three boats and proceeded to windward, leaving Lieutenant Cunningham in charge of the prize, prisoners, &c. We soon after discovered a large schooner, rigged "Regla boat," gave chase, and, at 11 A. M., the crew, finding we were gaining fast upon them, made for the nearest mangrove island, jumped overboard, and effected a precipitate retreat to the bushes, leaving everything standing, with a keg of gunpowder open near the galley fire, and quantities of it strewed all over the vessel. The powder was instantly thrown overboard, and the fire extinguished. She proved to be the boat whose crew had murdered the five men belonging to the American brig Betsey, that was wrecked on the Double Headed Shot Keys, in December last. After a long and ineffectual search among the mangrove bushes, for the fugitives, we took the boat in charge, and pushed on to the Key la Cosinerra, where they sailed from in the morning, being their place of resort and establishment; this we burnt, and returned to Jutia Gorda at midnight, the officers and men being nearly exhausted, the latter having been at their oars from daybreak.

The schooner and boats being laden with the property found secreted in the woods and elsewhere, we set fire to the buildings on the Key, consisting of two very large huts, and some outhouses.

At this place was an old man, of more genteel appearance than the rest, whose situation was so suspicious, that I thought proper to bring him with me. I have since discovered that he is the commandant of Sagua la Grande, and, in some way, intimately connected with these pirates. His papers I transmit to you separate from those found on board the vessel. Having distributed the prisoners on board the different boats, we got under way, together with the prizes, and sailed for Sagua la Grande, where, according to previous arrangement, we met H. B. M. schooner Lion, Lieut. Liardet commanding, who politely offered to receive the prisoners on board his vessel, to relieve us of the inconvenience of having them in deeply laden boats, and they were accordingly removed. We now continued our route to Cadiz Bay, and rejoined H. M. schooner Union and this vessel, reached Key Mona in company, on the evening of the 29th ultimo, where we found the Dartmouth still at anchor. Captain Maude, when informed of the capture in which his boats had assisted, expressed a strong desire to communicate with you, previously to the prisoners being disposed of for trial; I in consequence repaired to Matanzas to inform you of his wish, but finding that you had sailed for this place, I instantly returned to the Dartmouth, and made application for the prisoners, upon which they were removed to this vessel.

I regret to have to add that, in a heavy squall on the evening of the 30th, the prize schooner parted both her cables, and having the "Regla boat" in tow, they were both driven ashore on Stone Key, and bilged. The property, however, was taken out the same night, and the greater part of it saved, by the united efforts of H. M. schooners Union and Lion, and this vessel, after which the wrecks were fired.

The handsome manner in which we were seconded by the officers and crews of the boats of H. M. ship Dartmouth, merits our highest approbation; nor can I, in justice, omit mentioning the cheerfulness and alacrity with which Lieutenants Cunningham and Engle, Doctor Dubarry, and Mr. Barron, secretary, and the men throughout, performed their several duties; manifesting a degree of enterprise and zeal, amidst all their privations and fatigues, highly creditable to them.

I have the honor to be, with the highest consideration and respect, sir, your obedient servant,

I. M'KEEVER.

To Com. Lewis Warrington, *Com. U. S. Naval Forces in the West Indies, &c.*

Extract of a letter from Commodore L. Warrington to the Secretary of the Navy, dated —

U. S. Steam Galliot Sea Gull, *Mantanzas, April* 27, 1825.

Their present plan of operations confines them to their hiding places, on the shores and keys of this island, until the appearance of merchant vessels induces them to go out, and a certainty of the absence of our cruisers, or their boats, enables them to consummate their intentions, by the capture of the vessel and destruction of the crew. No sooner is this effected, their plunder secured, and the vessel disposed of, than their position is changed, and a new rendezvous, far removed from the scene of their late exploit, is selected. If to this method of carrying on their depredations, we add the fact, that many open boats and small vessels, apparently coasters, are also engaged in this business, you can readily perceive the difficulty, if not impossibility, of suppressing piracy on these shores. The most certain, and I may add, the only sure way to end it, is to explore often those parts of the coast where you have reason to believe them to be, to harass them by frequent excursions, and to seize for examination all boats or vessels which are of a suspicious character. It not unfrequently happens, that vessels having a commission to cruise for a certain time, for the protection of the island trade, commit piracies; and the schooner called "El Socorro," lately captured by the Sea Gull, &c., is an instance of it. If she had been suffered to pass unmolested, the injury done our commerce, and the loss of our citizens' lives would have been doubtless, very great.

Extract of a letter from Commodore L. Warrington to the Secretary of the Navy, dated —

U. S. Ship Constellation, *Matanzas, July* 7, 1825.

There are several Colombian privateers cruising off this island, which gives rise to the many accounts of piratical vessels which are published in our newspapers. One of them is a small schooner of thirty-five tons, and might easily be taken, at a distance, for a vessel of that character.

U. S. Ship Constellation, *Thompson's Island, June* 22, 1825.

Sir: I have the honor to inform you that the United States ship Constellation arrived at this place, where she will remain for a few days, on the 14th, after landing Mr. Poinsett at La Vera Cruz, as you have been already informed. Your letters by her have been received, and shall be attended to. I shall be compelled to send the Sea Gull to Norfolk for repairs, as she is in a crazy condition. The Grampus I shall also send to the same place, early in August, to procure a new mainmast; and, as the Hornet also requires a considerable quantity of stores and sails, which we have not here, I shall direct her to repair to the same place in July. The two first of these vessels will have been out ten months, and the last twelve months. Their equipments and repairs will not delay them more than two or three weeks, and when the Porpoise, which I am daily expecting, arrives, we shall be able to watch the coasts of Cuba narrowly, and, I trust, effectually. The John Adams, Spark, Terrier, and Grampus, are now cruizing off different parts of that island. The Sea Gull is on an expedition with the barges, and the Fox, on her arrival from the Main with Mr. Bolton, will be put on the convoy and barge service with the Terrier. I shall, as soon as I can complete my arrangements in this quarter, proceed to St. Domingo, as directed by you some time since.

I am, with great respect, your obedient servant,

L. WARRINGTON.

I have directed Lieutenant Thomas B. Barton, of the marine corps, who goes home on a sick ticket, to report himself to you.

The Hon. Secretary of the Navy, *Washington.*

C.

Navy Department, *May* 24, 1825.

Sir: Circumstances connected with the health and efficiency of the squadron under your command, have induced the determination to make, at least, a temporary removal of so much of the forces and stores, now at Thompson's Island, as can be effected without inconvenience and loss to the public.

Pensacola has been selected as the place to which they will be transferred; and I enclose to you copies of communications received from the War Department, ordering the surrender of the fort, and adjoining barracks and houses, for the use of the navy. You are, therefore, hereby authorized to receive the possession from the military officer in command there, and if it be not convenient for you to go to that place, you will order some officer under your command to receive it for you. The stores, now at Thompson's Island, you will, as far as convenient, receive on board the vessels, thus preparing them for as long a cruise as their size and condition will permit. If, after this, any stores remain, you will send them to Pensacola, in the Decoy, or such other vessel as you may provide for the purpose. The marines now at the island you will dispose of as your discretion may dictate, and as they may be most useful in vessels, and at Pensacola.

It is believed that you will find full accommodation, both for men and stores, in the fort, barracks, and houses which the War Department has ordered to be transferred.

You will place the public property left upon the island in the best and safest situation, so that it may be kept from injury: and its possession and use resumed, whenever it shall be found expedient.

It is not intended that you shall altogether desert Thompson's Island. The public interests there will require you, or one of the vessels under your command, to visit it frequently, so as to afford every necessary protection and security to those who are upon it, and the commerce which passes by or is connected with it.

In the disposition of your force, after leaving Thompson's Island, you will exert that sound discretion on which the Department so confidently relies; protecting our commerce, watching attentively the movements of the pirates, and guarding vigilantly the health of those under your command. All these objects will, no doubt, be best promoted by the vessels continuing as constantly at sea as possible, touching seldom, and remaining a very short time, at any of the ports either of the islands, or on the shores of the gulf.

I repeat, for your consideration, the suggestion that you place your vessels at convenient distances from each other, directing each one to cruise backward and forward on a given position of the coast, and looking very frequently into the creeks, inlets, &c.

After effecting the changes mentioned in this letter, you will communicate fully, and minutely, to the Department the situation of all your vessels, and your wants as to officers, men, and stores, and make such suggestions respecting the whole as you may suppose useful to the public interests, and especially to the principal objects for which the squadron is maintained in the West Indies and the Gulf of Mexico.

I am, respectfully, &c., SAML. L. SOUTHARD.

Com. LEWIS WARRINGTON, *commanding U. S. Naval Forces, West Indies.*

DEPARTMENT OF WAR, *May* 16, 1825.

The Secretary of War's compliments to the Secretary of the Navy, and transmits duplicates of orders issued in relation to the delivery of possession of the fort of Barancas, near Pensacola, to the Navy Department, until the further orders of the War Department.

QUARTERMASTER GENERAL'S OFFICE, *Washington City, May* 13, 1825.

SIR: An order will this day be sent from the Adjutant General's Office for the removal of the troops from Barancas to Cantonment Clinch.

You will transfer the post, with the barracks at and near it, to such officer, either of the navy or marine corps, as the Navy Department may designate; and, if there is no building there suitable for a store house, you will, if practicable, furnish one of the public buildings in Pensacola for that purpose.

I am, sir, respectfully, your obedient servant,

TH. S. JESUP, *Brigadier General, and Quartermaster General.*

Captain D. E. BURCH, *Assistant Quartermaster, Pensacola, Florida.*

(ORDERS No. 37.)

ADJUTANT GENERAL'S OFFICE, *Washington, May* 13, 1825.

The troops stationed at Fort Barancas will be immediately removed to Cantonment Clinch, and the stores on hand belonging to the Quartermaster General's and Ordnance Departments, will also be removed. The post will then be delivered over to such officer as the Secretary of the Navy may designate.

Communicated by order of Major General Brown.

R. JONES, *Adjutant General.*

D.

NAVY DEPARTMENT, *September* 15, 1825.

GENTLEMEN: You are hereby appointed to select a site for a naval establishment at Pensacola, and the United States ship Hornet has been ordered to be prepared immediately for sea, under the command of Capt. Woodhouse, to take you to that place.

You will assemble at Norfolk, Va., on or about the 1st of October, and proceed to Pensacola as soon as convenient; and on your arrival enter upon the discharge of this duty, which has been confided to you with a full reliance on your judgment and discretion.

You are already aware of the disadvantages which have resulted from the injudicious location of other yards; and, in making a selection in this instance, you will take into view the actual expense and conveniences, as well as the practicability of defence.

After having made choice of the site which may appear most suitable, you will enter into an agreement with the proprietor or proprietors, for the purchase of the land, subject to the approbation of this Department; if, however, this cannot be obtained, and you deem it important to the public interests to complete the contract without such sanction, you are authorized to make the purchase unconditionally. You will take care to secure not only as much land as will be required for present purposes, but as much also as may, at any time hereafter, be wanted.

Any maps, charts, or other documents, in the possession of the Department, which may be considered necessary, will be furnished upon application. You have herewith an outline of the fortifications contemplated to be erected by the War Department for the protection of the harbor.

After accomplishing this important object, Capt. Warrington will either remain at Pensacola, or proceed wherever his duties as commander of the naval forces in that quarter may require his presence; the others will return in such manner as may be found most expedient.

It is presumed that the whole may be completed, and your report upon the subject made to the Department, previously to the meeting of Congress.

I am, respectfully, &c., SAML. L. SOUTHARD.

WM. BAINBRIDGE, Esq.,
LEWIS WARRINGTON, Esq.,
JAMES BIDDLE, Esq.,
Captains U. S. Navy.

PENSACOLA, *November* 4, 1825.

SIR: Pursuant to your instructions to us of the 15th September, we embarked at Norfolk on board the United States ship Hornet, as soon as she was ready for sea. We arrived here on the 25th ultimo, and since our arrival, have been engaged in the necessary examinations and inquiries for ascertaining the most eligible position within these waters for a navy yard.

The Bay of Pensacola is extensive and capacious, easy of access from sea, and affording secure anchorage for any number of vessels of the largest class. The depth of water on the bar, as laid down by Major Kearney, of the topographical engineers, is twenty-one feet. From the report to us of Lieutenant Pinkham, of the John Adams, whom we directed to sound, and from all the information we have been enabled to collect, at least this depth of water, we believe, will always be found on the bar, even after a long continuance of northerly winds. The northerly winds sensibly affect the waters on this part of the coast; they, however, seldom continue long. The ordinary tides do not rise more than three feet; but these tides run with considerable rapidity; thus affording facilities to vessels working in or out of the harbor against an unfavorable wind.

The position which we have selected as in our judgment combining the greatest advantages for a navy yard, is in the vicinity of the Barancas, and to the northward and eastward of Tartar's Point.

Here we found the necessary depth of water nearest the shore; an important consideration in respect to the expense to be incurred in carrying out the wharves required for naval purposes. Here too the works erected for the defence of the navy yard, would give additional security to the harbor, while its vicinity to the Barancas would admit of assistance to it in case of need, from the troops stationed there. Here, we are, in our opinion, susceptible of complete defence, at a less expense than elsewhere within the bay. The position is wholly protected, by Tartar's Point, against the swell of the sea, which strong southerly winds set over the bar.

It is favorably situated for rendering prompt assistance to vessels approaching the harbor. Its healthiness is not surpassed by any other part of the bay, and fresh water is there abundant, and of a wholesome quality.

Other positions, in other parts of the bay, have engaged our attention; but, upon mature consideration, we are unanimously of opinion that the position which we have designated, is the most eligible under all circumstances, and combines the greatest advantages.

The accompanying sketch exhibits the position which has been selected, and embraces the quantity of land we recommend to be retained for a naval establishment.

That part of your instructions which directs us to purchase the land, we are not necessitated to act upon, as the site we have selected already belongs to the government. It appears from the report of the commissioners appointed to examine the land claims in West Florida, that Mr. Roseblane claimed 800 arpens, which embraced Tartar's Point. This claim, however, was rejected by the commissioners, and is therefore presumed to be not valid.

It was our intention to have returned by land, as being preferable to taking a public vessel from the station; but it has been deemed necessary that the John Adams, now lying here, should leave the West Indies, on account of the debilitated state of her crew; we shall, therefore, embark in that ship as soon as she is ready for sea, and proceed in her to the Chesapeake.

We have the honor to be, very respectfully, your most obedient servants,

WM. BAINBRIDGE.
L. WARRINGTON.
JAMES BIDDLE.

HON. SAML. L. SOUTHARD, *Secretary of the Navy, Washington.*

NAVY DEPARTMENT, *December* 2, 1825.

SIR: The instructions which were given to Captains Bainbridge, Warrington, and Biddle, to select a site for a navy yard and depot on the coast of Florida, in the Gulf of Mexico, have heretofore been submitted to you, and I have now the honor to present to you a copy of their report, with a sketch exhibiting the position, which is, in their opinion, best calculated for the object.

Great pains have been taken to acquire the most correct information and safest guides, in making a location for this establishment, and no doubt is entertained that the one recommended by these officers is the best within the range prescribed by the law.

Should it meet your approbation, immediate measures will be taken to erect the necessary buildings, and make the improvements.

With the highest respect, I have the honor to be, sir, your most obedient servant,

SAMUEL L. SOUTHARD.

The PRESIDENT *of the United States.*

Approved December 3, 1825. J. Q. ADAMS.

E.

Extract of a letter from Commodore John Rodgers to the Secretary of the Navy, dated —

U. S. Ship North Carolina, *Gibraltar Bay, July* 5, 1825.

I contemplate leaving here to-morrow, with all the vessels of the squadron, consisting of the North Carolina, Constitution, Erie, and Ontario, for the head of the Mediterranean, touching at Algiers, Tunis, and Tripoli, on my way up; and shall probably not reach this again before some time about the 1st of October. Our relations with the Barbary States continue on the same friendly footing as they have heretofore done.

Extract of a letter from Commodore John Rodgers to the Secretary of the Navy, dated —

U. S. Ship North Carolina, *Gibraltar Bay, July* 7, 1825.

Just at the moment of unmooring, to proceed up the Mediterranean with the squadron, I have received a communication from Mr. Pulis, our consul at Malta, of which the enclosed are copies. It is, I find, the opinion of the best informed people in this quarter, that, in the event of the failure of the Greeks to establish their independence, a large portion of their present marine will become pirates, and that they will, it is most likely, as in former times, prey upon every defenceless merchant vessel that falls in their way. The noble cause in which they are engaged, would almost forbid such an idea; yet, as the like has happened heretofore, at different periods of their history, it may happen again; and for this reason I shall keep an eye to that quarter; particularly as our commerce to Smyrna, at this time, is very considerable, and I am told, progressively increasing. Should the winds prove favorable, I shall, it is likely, be in the vicinity of Scio by the last of this month. The appearance of the squadron about this time in the Archipelago, will no doubt have a good effect; and should anything occur, before I leave there, to render it necessary, I may probably leave one of the sloops there, to protect our commerce against any lawless depredations that appear likely to happen.

Extract of a letter from Commodore John Rodgers to the Secretary of the Navy, dated —

U. S. Ship North Carolina, *Gibraltar Bay, October*, 1825.

I wrote you from Smyrna, on the 30th of August, by the brig Cherub, of Boston, informing you of the movements of the squadron up to that date. At that time there was some cause for alarm, on account of the prevalence of a bowel complaint with which many of the officers and men of the squadron were affected: but, by the early and judicious applications, and unremitting attentions, of the medical officers, the virulence of the disease was soon arrested. In addition to this, there have been some cases of fever on board each ship, by which the service has lost a valuable young officer in Midshipman Pleasanton, who was, at the time of his death, attached to the Erie; and Mr. Adam Marshall, the schoolmaster of this ship, whose exemplary deportment had gained him the esteem of all who knew him. The officers and crews of the several vessels of the squadron are again very generally in the enjoyment of good health: and the returns herewith sent you will show, that, although there might have been cause for alarm, at one time, the proportion of deaths for the last six months, considering the number of men, and season of the year, has been very small.

In my last, I mentioned that I should probably put myself in the way of seeing the Greek and Turkish fleets, before my return to Gibraltar: and with this intention I accordingly left the Gulf of Smyrna, on the 9th ultimo, shaping my course for Napoli di Romani, (the present seat of the Greek government,) at which place I arrived on the 12th ultimo. Here we were received by the government in the most friendly and courteous manner.

The present embarrassed condition of the Greek government is such as to prevent its authority being much regarded by the licentious part of the community; the consequence of which is, that already several piracies have been committed in the Archipelago, principally, however, upon Austrian and French vessels. The morning previous to my leaving Smyrna, the commander of the Austrian naval forces sent into that place seven Greek boats, which he had captured for alleged piracies committed.

Piracies are carried on now by such boats only; but, it is feared in the event of a dissolution of the government, and which some think is not at all improbable, that their misery, and the want of the common means to support life, will necessarily oblige a large portion of the Greek sailors to become pirates, to avoid starvation; and in this event, that many of their larger vessels will be employed in this way.

Under this state of things, I have left the Ontario at Smyrna, for the protection of our commerce in the Archipelago, with orders for her commander to join me, at Gibraltar or Mahon, by the middle of December, provided a necessity for his long continuance in that quarter should cease, but that, in the event of such a change taking place as to render the presence of a greater force necessary, to apprise me of it without delay.

Our relations with the Barbary powers continue on the same friendly footing as heretofore. On leaving the Archipelago, I shaped my course for Tripoli, with the intention of calling at that place; but was prevented doing so, in consequence of meeting one of the Bashaw's cruisers, to the southward of Malta, returning home with two Neapolitan vessels, his prizes, which he had captured on the coast of Calabria; from the commander of which vessel I learned that our consul was absent from Tripoli, and had been for some time. From this I steered for Algiers, and after looking into the bay, directed the Erie to anchor, for the purpose of communicating with the consulate there; and after doing so, made sail for this place, where I arrived on the 9th instant.

The Erie has just arrived from Algiers, which affords me an opportunity of enclosing to you Captain Deacon's report, and of closing this communication.

F.

UNITED STATES FRIGATE UNITED STATES, *Callao Bay, October* 2, 1824.

SIR: By Mr. Hunter, I had the honor to forward a copy of a commission and other papers, furnished a privateer fitted out by General Rodil, Governor of Callao, previous to the departure of the Franklin from this station; and, as Commodore Stewart will lay before you his correspondence with the vice King on the subject of those vessels and the legality of the papers under which they sailed, I have no doubt but I shall be furnished, without delay, with your instructions what course I am to pursue towards vessels sailing under the Spanish flag, without their commission being signed by the vice King, and commissioned only by a governor of a province, holding only the rank of a general in the army. One of the vessels commissioned by General Rodil, and fitted out at this place, has been burnt by Admiral Guise, after having lost her topmast, and otherwise injured, whilst this ship was in chase of her.

There is now lying in this bay two other brigs and a ship, ready for sea, no doubt furnished with the same papers that they sailed under on a former cruise; and, notwithstanding I have the assurance of the governor that they have orders not to capture neutral ships, I have no doubt but they will capture our ships should they fall in with them, particularly those that have provisions on board. I cannot, therefore, but hope, that the force on this station will be increased, either by sending out a line of battle ship or one of our large frigates and one or two schooners, as it is impossible to protect our commerce on such an extent of coast as Chili and Peru; indeed, we have valuable ships in most of the ports on the coast, from Valparaiso to Panama, and, in most of the ports, ships can be taken out by the smallest privateers, as they generally lie at anchor where there is no fort to protect them; it therefore requires a force to be constantly moving up and down the coast, and it is absolutely necessary that one vessel should remain constantly in this bay, and another at Valparaiso, and others moving along the coast with convoy.

Our force in this sea is now much less than that of any other nation, and our commerce is greater than that of any other, except the English; indeed, the English and Americans have the exclusive trade; not a flag is to be seen on board a merchant ship but those of England and the United States.

The Peacock is now at Quilca, to protect our commerce at the Intermedios, under orders to join this ship, after being absent six weeks. The Dolphin is at Valparaiso for the purpose of giving convoy to ships bound to this place. I have this day given orders for her to join me at this place without delay, that I may have force sufficient to watch the movements of the Spanish forces now ready for sea.

With great respect, I have the honor to be, sir, your obedient servant,

ISAAC HULL.

HON. SAM'L L. SOUTHARD, *Secretary of the Navy.*

U. S. FRIGATE UNITED STATES, *Callao Bay, November* 2, 1824.

SIR: I have the honor to inform you that the Peacock arrived in this bay on the 25th ultimo, from Quilca, where I had ordered her to protect our commerce. She was absent six weeks, which was the time limited by my orders given to Lieutenant Commandant Kennon.

At the time the Peacock arrived I was absent with this ship, having left this bay for Huacho, for the purpose of convoying to this place several vessels which had been ordered off by the Peruvian squadron, under Admiral Guise; those vessels, such as wished to enter the bay, are now here.

Immediately on my arrival, I dispatched the Peacock to cruise for a few days off Pisco, to gain intelligence, if possible, of the course the Spanish squadron had taken, and what part of the coast they were destined for; as I consider it necessary to watch their movements as closely as it can be done, without giving them cause to suspect the object for which the Peacock is sent out.

The Dolphin is now at Valparaiso for the purpose of giving convoy to such of our merchant ships as may be there, and wish to avail themselves of it. I however received information last evening from Valparaiso, and find that there is not more than one or two vessels that are bound to this part of the coast.

As the Spanish squadron is out, and it has not been ascertained where they are bound, and there being several valuable ships at Truxillo, and other small ports on the coast to the northward, I shall dispatch the Peacock to Truxillo for their protection, and to convoy down two American vessels that will be ready to sail in three or four days; she will probably be absent twenty-five days, when she will return to this port, touching at the small ports on the coast, to give convoy to such vessels as may wish to join her.

With very great respect, I have the honor to be, sir, your obedient servant,

ISAAC HULL.

HON. SAMUEL L. SOUTHARD, *Secretary of the Navy, Washington.*

U. S. FRIGATE UNITED STATES, *Callao Bay, November* 4, 1824.

SIR: I have yesterday been informed that the American ship China has been secured by the officers of the customs of Callao, for having transhipped a quantity of goods to the American brig Rimac without obtaining a permit to do so.

By the best information I can get, I have every reason to believe that the transhipment was made without a permit, and I much fear that the vessel and cargo will be condemned. The ship and cargo is said to be worth one hundred and fifty thousand dollars. I consider this seizure a very unfortunate one on many accounts, and more particularly so, as the China is well calculated for a vessel of war, and I have no doubt but she will be fitted out for that purpose, and be on a cruise in a few weeks.

I have already had the honor to apprise you that the Spanish squadron was at sea, and expressed my fear that they would capture neutral vessels; as yet, I have not received information that they have made any captures, but, from the temper and feelings of the Spaniards towards foreigners, and particu-

larly Americans, I have no doubt but they will detain our ships on the slightest ground, and send them in for trial, and the case of the Nancy and other vessels captured and condemned, is evidence of what may be the fate of others that may fall into their hands.

With great respect, I have the honor to be, sir, your obedient servant,

ISAAC HULL.

The honorable SECRETARY OF THE NAVY, *Washington.*

U. S. FRIGATE UNITED STATES, *Ancon, November* 14, 1824.

SIR: I have this moment received a letter from Mr. Tudor, our consul at Lima, under date of the 13th instant, an extract of which I have the honor to forward:

"I heard last evening that a *bando* would be issued to-day, declaring all the small ports, from Pisco to Truxillo, in a state of blockade, and that all persons transporting goods from Ancon, Chorillos, &c., would be shot."

I have not as yet received any confirmation of the above, but I have every reason to believe that the Spaniards will do all in their power to embarrass American commerce, and any measures that will do it most effectually I have no doubt will be adopted.

With great respect, I have the honor to be, sir, your obedient servant,

ISAAC HULL.

Hon. SAM'L L. SOUTHARD, *Secretary of the Navy.*

U. S. FRIGATE UNITED STATES, *Harbor of Callao, January* 23, 1825.

SIR: Since the departure of Mr. Campbell nothing material has taken place. General Rodil still keeps possession of the castles of Callao, and is determined to defend them to the last extremity. He has from time to time postponed the trial of the China, in the expectation of the Spanish fleet returning to Callao. I have, in consequence, remained a greater part of the time in the bay, for the accommodation of Captain Goodrich, who has been alternately on board my ship and on shore.

I have no expectation of a favorable result in the case of the China. General Rodil is now closely invested by land and sea, and if his course was marked by such injustice when he was amenable to the authority of the vice King, it cannot be supposed that he will now relinquish anything in his power which would enable him to protract a siege.

The Chilian frigate O'Higgins, and two Columbian vessels, are in the bay; also four gun boats which were brought over from the Spaniards by the captain of the port a few nights since.

The China being endangered by the fire from these vessels, which approach the town every night, I wrote General Rodil, requesting that she might be sent out of danger until the trial was concluded; but I have received no reply; in fact, it is impossible to have any communication with him; my boats are allowed to approach only within a certain distance, and there met by a Spanish boat, into which Captain Goodrich is received, and no one but himself suffered to land.

The Dolphin arrived in this port last week from Valparaiso with a convoy of American vessels, having touched in with them at Coquimbo and Quilca. Judge Provost having requested a passage to Quilca, the Dolphin will leave to-morrow for that port, and having landed him, will proceed to Valparaiso.

So soon as the affair of the China is concluded I shall go down to Hauchas for a few days, and on my return shall stop at Santa to obtain a supply of wood, after which I hope the situation of affairs will enable me to go to Valparaiso, leaving the Peacock here.

I have great pleasure in telling you, sir, that the officers and crew of this ship are all in good health, and that I have from them the most cheerful compliance with my wishes.

I have the honor, sir, to be, with great respect, your obedient servant,

ISAAC HULL.

To the Hon. SAMUEL L. SOUTHARD.

G.

List of deaths in the navy, since 1st of January, 1825.

Name.	Cause of death.	Place of death.	Time of death.
Captains.			
Thomas Macdonough	Consumption	At sea	November 10, 1825.
Lieutenants.			
Joseph Wragg	Consumption	Norfolk	April 18, 1825.
Samuel Hanley	Yellow fever	Matanzas	July 14, 1825.
William Laughton	Yellow fever	At sea	July 22, 1825.
Nelson Webster	Not known	Boston	August 24, 1825.
William M. Caldwell	Not known	Philadelphia	September 16, 1825.
Henry Ward	Not known	Near Boston	July 9, 1825.
Richard S. Hunter	Effects of fever	New Jersey	March 28, 1825.
Walter Abbott	Not known	Philadelphia	July 12, 1825.
Albert G. Wall	Liver complaint	Virginia	August 31, 1825.
Otho Stallings	Yellow fever	Key West	January 12, 1825.
Frederick Jarret	Hemorrhage	At sea	July 17, 1825.
Dulany Forrest	Yellow fever	At sea	October 1, 1825.
Benjamin S. Grimke	Drowned	At sea	November, 1825.
Surgeons' mates.			
John Harrison	Not known	Washington	March 4, 1825.
Jos. B. Stillman	Yellow fever	Key West	March 28, 1825.
C. H. Van Brunt	Yellow fever	At sea	July 28, 1825.
Midshipmen.			
J. B. Beckham	Yellow fever	At sea	September 11, 1825.
A. W. Baker	Yellow fever	At sea	
L. A. Buchanan	Yellow fever	At sea	July 27, 1825.
Theo. Bland, jr.	Yellow fever	At sea	September 13, 1825.
Robert F. Martin	Yellow fever	At sea	July 3, 1825.
C. F. Shoemaker	Killed in a duel	Old Point Comfort.	September 23, 1825.
George F. Weaver	Yellow fever	At sea	October 5, 1825.
George B. Wilkinson	Yellow fever	Barrancas	
John H. Pleasanton	Fever	Mediterranean	
C. M. Hopkins	Fever	Mediterranean	
Sailing masters.			
Shubael Downes	Old age	Boston	June 13, 1825.
Simon Kingston	Old age	Philadelphia	July, 1825.
David Phipps	Old age	New Haven	April, 1825.
Boatswains.			
John Welch			
Gunners.			
James Cosgrove		Rec'ving ship, N. Y.	October, 1825.
Marines.			
H. W. Gardner, Lieutenant	Fever	Messina	April 25, 1825.

H.

List of resignations since 1st January, 1825.

Richard K. Hoffman, surgeon; W. D. Conway, surgeon's mate; Chever Felch, chaplain; R. S. Bullus, A. Barnhouse, E. R. Childs, J. J. R. Flournoy, D. S. M'Cauley, Parmenio Shuman, Edwin Welsh, Simon W. Walsh, John W. Hunter, jr., midshipmen; G. F. De la Roche, W. W. Polk, sailing masters; S. G. Clark, James Minzies, Thomas Ring, boatswains; John Fair, Samuel Butler, Elijah Whitten, gunners; S. B. Bannister, sail maker; J. Lowry, lieutenant of marines.

K.

NAVY COMMISSIONERS' OFFICE, *October* 1, 1825.

SIR: In obedience to your directions, the Commissioners of the Navy have the honor to transmit the following estimates and statements:

Estimate of the expenses* of the navy for the year 1826, marked A, with—

* The contingent expenses have been increased about $35,000 to defray the expenses of breaking up the stations on the lakes and at New Orleans and Barrataria, and transporting the articles from thence.

Statements, explanatory of the several items, marked B.

Estimate of the expenses of this office for the ensuing year, marked C.

Statement, showing the names, stations, salaries, and places of nativity, of all the persons in the office of the Navy Commissioners, marked D.

Statement of the progress made in executing the law for the gradual increase of the navy, marked E.

Statement of the progress made in executing the law for building ten sloops of war, marked F.

Statement, showing the names and force of all the vessels of the navy, when and where built, captured, or purchased, and the state and condition of the vessels in ordinary and on the lakes, marked G; and

Statement, showing the progress made in executing your instructions to break up the establishments at the lake stations, marked H.

All of which are respectfully submitted.

I have the honor to be, sir, very respectfully, your most obedient servant,

WM. BAINBRIDGE.

The SECRETARY *of the Navy.*

I.

Statement of the expenditure of the appropriation for the support of the navy, from the 1*st January to* 30*th September,* 1825.

Appropriations.	Amount of requisitions drawn on Treasury.	Amount of refunding requisitions drawn.	Amount expended.
Pay, &c., of the navy afloat	$612,401 91	$104,489 07	$507,912 84
Pay, &c., of shore stations	233,932 76	9,130 83	224,801 93
Provisions	288,687 01	13,296 77	275,390 24
Contingent expenses, prior to 1824	25,744 61	25,276 81	467 80
Contingent expenses not enumerated, 1824	1,463 04	110 25	1,352 79
Contingent expenses for 1824	49,915 43	5,119 31	44,796 12
Contingent expenses for 1825	194,999 44	3,406 30	191,593 14
Contingent expenses not enumerated, 1825	1,128 16	.....	1,128 16
Ordnance	26,235 48	33,859 74	.....
Medicines	37,922 89	1,272 67	36,650 22
Repairs of vessels	257,685 99	7,508 57	250,177 42
Gradual increase	277,793 64	34,210 38	243,583 26
Pay of superintendents, &c.	955 21	5,838 93	.....
Pay of laborers, &c.	.....	2,490 32	.....
Ship houses	4,019 70	1,344 96	2,674 74
Inclined plane	3,716 50	.....	3,716 50
Prohibition of the slave trade	8,948 35	109 50	8,838 85
Suppression of piracy	8,374 90	.....	8,374 90
Navy yard (old)	24,520 36	3,455 78	21,064 58
Navy yard at Portsmouth, N. H.	1,145 08	.....	1,145 08
Navy yard at Charlestown, Mass.	14,111 90	.....	14,111 90
Navy yard at New York	25,314 03	.....	25,314 03
Navy yard at Philadelphia	7,509 04	.....	7,509 04
Navy yard at Washington	8,809 29	.....	8,809 29
Navy yard at Norfolk, Va	12,398 44	.....	12,398 44
Building ten sloops of war	78,594 22	.....	78,594 22
Repairs, &c., sloops of war	.....	1,502 97	.....
Surveying Charleston, S. C.—St. Mary's, Geo.	5,093 40	3,199 12	1,894 28
Destruction of tools by fire	.....	31 06	.....
Surveying coast of Florida	93 11	19 50	73 61
Captors of Algerine vessels	161 53	.....	161 53
Act for the relief of Joseph Smith	257 80	.....	157 80
Act for the relief of Elias Glen	100 00	.....	100 00
Act for the relief of Charles D. Brodie	1,000 00	.....	1,000 00
Act for the relief of William Townsend	926 14	.....	926 14
Act for the relief of John S. Styles	10,633 06	.....	10,633 06
Pay, &c., of the marine corps	120,401 41	.....	120,401 41
Clothing of the marine corps	19,382 74	.....	19,382 76
Fuel of the marine corps	5,566 58	.....	5,668 58
Medicines, &c, (on shore) marine corps	1,266 49	.....	1,266 49
Contingent expenses marine corps	7,731 93	31 47	7,700 46
Arrearages of expenses marine corps	4,683 78	.....	4,683 78
Military stores marine corps	1,345 25	.....	1,345 25
Navy yard and depot on coast of Florida	.....	.....	.....
	$2,385,072 62	$255,704 31	$2,145,900 64

RICHARD CUTTS.

TREASURY DEPARTMENT, *Second Comptroller's Office, December* 5, 1825.

A.

There will be required for the use of the navy during the year 1826, two millions two hundred and ninety thousand three hundred and twenty dollars:

1st.	For pay and subsistence of officers, and pay of seamen, other than those at navy yards, shore stations, and in ordinary	$908,595 50
2d.	For pay, subsistence, and allowances of officers, and pay of seamen, &c., at navy yards, shore stations, hospitals, and in ordinary	141,613 25
3d.	For pay of superintendents, naval constructors, and all the civil establishment at the navy yards and stations	52,240 00
4th.	For provisions	377,871 25
5th.	For repairs of vessels in ordinary, and for wear and tear of vessels in commission, exclusive of any unexpended balance that may remain under the appropriation for 1825	350,000 00
6th.	For repairs and improvement of navy yards	170,000 00
7th.	For medicines, surgical instruments, hospital stores, and all other expenses on account of the sick	45,000 00
8th.	For defraying the expenses which may accrue during the year 1826, for the following purposes:	
	For freight and transportation of materials and stores of every description; for wharfage and dockage; for storage and rent; for traveling expenses of officers, and transportation of seamen; for house rent or chamber money; for fuel and candles to officers other than those attached to navy yards and shore stations; for commissions, clerk hire, office rent, stationery, and fuel to navy agents; for premiums and incidental expenses of recruiting; for expenses of pursuing deserters; for compensation to judge advocates; for per diem allowance to persons attending courts-martial and courts of inquiry, and to officers engaged on extra service beyond the limits of their stations; for expenses of persons in sick quarters; for burying deceased persons belonging to the navy; for printing, and for stationery of every description; for books, charts, nautical and mathematical instruments, chronometers, models, and drawings; for purchase and repairs of steam and fire engines and machinery; for purchase and maintenance of oxen and horses, and for carts, wheels, and workmen's tools of every description; for postage of letters on public service; for pilotage; for cabin furniture of vessels in commission; for taxes on navy yards and public property; for assistance rendered to public vessels in distress; for incidental labor at navy yards, not applicable to any other appropriation; for coals and other fuel for forges, foundries, steam engines, and for candles, oil and fuel for vessels in commission and in ordinary, and including the expense of breaking up the stations on the lakes, and at New Orleans and Barrataria, and for transporting the articles from thence, and for no other object or purpose whatever	240,000 00
	ADDITIONAL.	
	For contingent expenses for objects arising in the year 1826, and not hereinbefore enumerated	5,000 00
		$2,290,320 00

B.

Estimate of the pay and subsistence of all persons of the navy, attached to vessels in commission.

Rank or station.	One ship of the line.	Three frigates, first class.	One frigate of the second class.	Six sloops of the first class.	Three sloops of the second class.	Five brigs and schooners.	Two small vessels.	Total.	Amount.
Captains	2	3	2	1	.....	.....	.....	8	$16,900 00
Masters commandant	1	.....	.....	5	3	.....	.....	9	9,765 00
Lieutenants commandant	.....	.....	.....	.....	.....	5	2	7	6,116 25
Lieutenants	10	24	7	30	12	10	4	97	64,262 50
Masters	1	3	1	6	3	3	2	19	10,853 75
Second masters	1	.....	.....	.....	.....	.....	.....	1	360 00
Chaplains	1	3	1	.....	.....	.....	.....	5	2,856 25
Surgeons	1	3	1	6	3	5	.....	19	13,133 75
Pursers	1	3	1	6	3	5	.....	19	10,853 75
Boatswains	1	3	1	6	3	.....	.....	14	4,637 50
Gunners	1	3	1	6	3	.....	.....	14	4,637 50
Carpenters	1	3	1	6	3	.....	.....	14	4,637 50
Sailmakers	1	3	1	6	3	.....	.....	14	4,637 50
Midshipmen	40	78	20	72	30	30	6	276	62,928 00
Surgeons' mates	3	6	2	6	3	.....	2	22	9,927 50
Schoolmasters	1	.....	.....	.....	.....	.....	.....	1	391 25
Clerks	1	3	1	6	3	5	.....	19	5,700 00
Armorers	1	3	1	6	3	5	.....	19	4,104 00
Boatswains' mates	6	12	3	12	6	10	2	51	11,628 00
Gunners' mates	3	6	2	12	3	4	2	33	7,524 00
Carpenters' mates	2	6	1	6	3	5	2	25	5,700 00
Sailmakers' mates	2	3	1	6	3	5	.....	20	4,560 00
Masters-at-arms	1	3	1	6	3	5	.....	19	4,104 00
Coxswains	1	3	1	6	3	.....	.....	14	3,024 00
Ship corporals	2	6	1	.....	.....	.....	.....	9	1,944 00
Coopers	1	3	1	6	3	.....	.....	14	3,024 00
Cooks	1	3	1	6	3	5	2	21	4,536 00
Quarter gunners	20	36	10	48	18	10	2	144	27,104 00
Quartermasters	10	24	6	30	12	10	2	94	20,304 00
Yeomen	3	9	3	18	6	5	.....	44	9,504 00
Pursers' stewards	1	3	1	6	3	5	2	21	4,536 00
Seamen	280	480	129	420	180	100	14	1,603	230,832 00
Ordinary seamen	260	510	131	240	150	40	6	1,337	160,440 00
Boys	40	60	22	60	30	30	.....	242	17,424 00
Total		1,308	355	1,050	501	303	50	4,268	$752,890 00

Statement of the number and pay, &c., of officers, &c., &c., required for five receiving vessels, for the year 1826, explanatory of part of the first item of appropriation.

Rank or station.	Boston.	New York.	Philadelphia.	Norfolk.	Baltimore.	Total.	Amount.
Masters commandant	1	1	.....	1	.....	3	$3,255 00
Lieutenants	2	2	2	2	2	10	6,625 00
Pursers	1	1	.....	1	.....	3	1,713 75
Masters	1	1	.....	1	.....	3	1,713 75
Surgeons' mates	1	1	.....	1	.....	3	1,353 75
Midshipmen	3	3	2	3	2	13	2,964 00
Boatswains' mates	1	1	1	1	1	5	1,140 00
Carpenters' mates	1	1	1	1	.....	4	912 00
Stewards	1	1	1	1	1	5	1,080 00
Cooks	1	1	1	1	1	5	1,080 00
Able seamen	2	2	2	2	2	10	1,440 00
Ordinary seamen	6	6	4	6	2	24	2,880 00
Boys	4	4	2	4	2	16	1,152 00
Totol	25	25	16	25	13	104	$27,309 25

Statement of the pay, &c., of officers attached to recruiting stations, together with one captain, as ordnance officer—explanatory of part of the first item of appropriation.

Rank or station.	Boston.	New York.	Philadelphia.	Norfolk.	Baltimore.	Total.	Amount.
Masters commandant	1	1	1	1	1	5	$5,881 25
Midshipmen	2	2	2	2	2	10	4,232 50
Surgeons	1	1	1	1	....	4	5,239 00
Surgeons' mates	....	....	....	....	1	1	938 75
Total	4	4	4	4	4	20	$16,291 50
ORDNANCE DUTY.							
One captain							$1,930 00

Exhibit of the officers, &c., awaiting orders, and on furlough, explanatory of part of the first item of appropriation.

	Captains.	Masters commandant.	Lieutenants.	Masters.	Chaplains.	Surgeons.	Pursers.	Midshipmen.	Surgeons' mates.	Carpenters.	Total.	Amount.
Awaiting orders	11	2	76	3	2	5	11	43	6	....	159	$97,945 75
On furlough	....	1	16	9	1	....	1	11	....	1	40	12,229 00
Total	11	3	92	12	3	5	12	54	6	1	199	$110,174 75

Statement of the pay and rations of the naval part of the establishment at yards and stations, explanatory of part of the second item of appropriation.

	Portsmouth.	Charlestown.	New York.	Philadelphia.	Washington.	Norfolk.	Baltimore.	Charleston, South Carolina.	New Orleans.	Sackett's Harbor.	Total.	Amount.
Captains	1	1	1	1	1	1	1	1	1	1	10	$24,410 00
Masters commandant	1	1	1	1	1	1	.....	.....	.....	.....	6	7,057 50
Lieutenants	1	1	1	1	1	1	.....	.....	.....	.....	6	4,522 50
Masters	1	1	1	1	1	1	.....	.....	.....	.....	6	3,975 00
Masters	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	1	662 50
Master in charge of ordnance	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	1	662 50
Master keeper of magazine	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	1	662 50
Surgeons	1	1	1	1	1	1	1	.....	1	.....	8	6,260 00
Surgeons' mates	.....	1	1	.....	1	1	.....	.....	.....	.....	4	2,170 00
Pursers	1	1	1	1	1	1	1	.....	1	.....	8	5,300 00
Chaplains	.....	1	1	.....	.....	1	.....	.....	.....	.....	3	1,987 50
Midshipmen	2	4	4	.....	.....	4	.....	.....	.....	.....	14	4,469 50
Boatswains	1	1	1	1	1	1	.....	.....	.....	.....	6	2,535 00
Gunners	1	1	1	1	0	1	.....	.....	.....	.....	5	2,112 50
Gunner as laboratory officer	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	1	422 50
Stewards	1	1	1	1	1	1	.....	.....	.....	.....	6	1,843 50
Carpenters' mates, as caulkers	1	1	1	1	1	1	.....	.....	.....	.....	6	1,915 50
Total	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	92	$70,968 50

Statement of all allowances to officers, &c., at yards and stations, other than pay and rations—explanatory of part of the second item of appropriation.

Rank.	Portsmouth.				Charlestown.				Brooklyn.			
	House rent.	Candles.	Cords of wood.	Number of servants.	House rent.	Candles.	Cords of wood.	Number of servants.	House rent.	Candles.	Cords of wood.	Number of servants.
Captains	.....	65	30	3	.....	65	30	3	.....	65	30	3
Masters commandant	300	40	20	2	300	40	20	2	300	40	20	2
Lieutenants	200	20	20	1	200	20	20	1	200	20	20	1
Masters	200	20	12	1	200	20	12	1	200	20	12	1
Masters of ordnance	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Surgeons	200	20	20	1	200	20	20	1	200	20	20	1
Surgeons' mates	.....	.....	.....	.....	145	16	14	1	145	16	14	1
Pursers	200	20	12	1	200	20	12	1	200	20	12	1
Chaplains	.....	.....	.....	.....	250	.....	.....	.....	250	.....	.....	.....
Boatswains	90	2	9	1	90	12	9	1	90	12	9	1
Gunners	90	2	9	1	90	12	9	1	90	12	9	1
Gunner's laboratory officer	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

Statement of all allowances to officers, &c.—Continued.

Rank.	Philadelphia.				Washington.				Gosport.				Baltimore.			
	House rent.	Candles.	Cords of wood.	Number of servants.	House rent.	Candles.	Cords of wood.	Number of servants.	House rent.	Candles.	Cords of wood.	Number of servants.	House rent.	Candles.	Cords of wood.	Number of servants.
Captains	.....	65	30	3	.....	65	30	3	.....	65	30	3	300	65	30	3
Masters commandant	200	40	20	2	300	40	20	2	300	40	20	2	.....	....	....	....
Lieutenants	200	20	20	1	200	20	20	1	200	20	20	1	.....	....	....	....
Masters	200	20	12	1	200	20	12	1	200	20	12	1	.....	....	....	....
Masters of ordnance	.....	....	....	....	104	....	....	....	.....	....	....	....	.....	....	....	....
Surgeons	200	20	20	1	200	20	20	1	200	20	20	1	200	20	20	1
Surgeons' mates	.....	....	....	....	145	16	14	1	145	16	14	1	.....	....	....	....
Pursers	200	20	12	1	200	20	12	1	200	20	12	1	.....	....	....	....
Chaplains	.....	....	....	....	.....	....	....	....	250	....	....	....	.....	....	....	....
Boatswains	90	12	9	1	90	12	9	1	90	12	9	1	.....	....	....	....
Gunners	90	12	9	1	.....	....	....	....	90	12	9	1	.....	....	....	....
Gunner's laboratory officer	.....	....	....	....	.....	12	9	1	.....	....	....	....	.....	....	....	....

Statement of all allowances to officers, &c.—Continued.

Rank.	Charleston, S. C.				New Orleans.				Sackett's Harbor.				Amount.
	House rent.	Candles.	Cords of wood.	Number of servants.	House rent.	Candles.	Cords of wood.	Number of servants.	House rent.	Candles.	Cords of wood.	Number of servants.	
Captains	300	65	30	3	600	65	30	3	400	65	30	3	$9,667 50
Masters commandant	.....	....	....	....	.....	....	....	....	.....	....	....	....	4,551 00
Lieutenants	.....	....	....	....	.....	...	...	....	.....	....	....	....	3,163 50
Masters	.....	....	....	....	.....	....	....	....	.....	....	....	....	2,875 50
Masters of ordnance	.....	....	....	....	.....	....	....	....	.....	....	....	....	104 00
Surgeons	.....	....	....	....	240	20	20	1	.....	....	....	....	4,258 00
Surgeons' mates	.....	....	....	....	.....	....	....	....	.....	....	....	....	1,712 25
Pursers	.....	....	....	....	200	20	12	1	.....	....	....	....	3,470 00
Chaplains	.....	....	....	....	.....	....	....	....	.....	....	....	....	750 00
Boatswains	.....	....	....	....	.....	....	....	....	.....	....	....	....	1,915 50
Gunners	.....	....	....	....	.....	....	....	....	.....	....	....	....	1,596 25
Gunner's laboratory officer	.....	....	....	...	.....	....	....	....	.....	....	....	....	229 25
													$34,292 75

Statement of the pay and rations, including all allowances, of the surgeons, surgeons' mates, &c., attached to navy hospitals—explanatory of the second item of appropriation.

Rank or station.	Portsmouth.	New York.	Philadelphia.	Washington.	Norfolk.	Total.	Amount.
Surgeons	.....	1	1	1	1	4	$5,239 00
Surgeons' mates	.....	1	1	1	1	4	3,803 00
Stewards	.....	1	.....	.....	1	2	614 50
Nurses	.....	2	.....	.....	2	4	845 00
Washers	.....	2	.....	.....	2	4	849 00
Cooks	.....	1	.....	.....	1	2	470 50
Total	.....	.....	.....	.....	.....	20	$11,821 00

Statement of the pay, &c., of persons required for the ordinary, for the year 1826, completing the explanations of the second item of appropriation.

Yards.	Lieutenants.	Masters.	Carpenters.	Carpenters' mates.	Boatswains' mates.	Able seamen.	Ordinary seamen.	Total.	Total.
Portsmouth, N. H.	.....	.....	.....	.....	.....	4	6	10	$1,296 00
Charlestown	1	1	1	1	1	12	24	41	6,629 00
New York	1	1	1	1	1	12	24	41	6,629 00
Philadelphia	.....	.....	.....	.....	.....	4	6	10	1,296 00
Washington	.....	.....	.....	.....	1	6	8	15	2,052 00
Gosport	1	1	1	1	1	12	24	41	6,629 00
Total	3	3	3	3	4	50	92	158	$24,531 00

Statement of the pay of the civil establishment at the yards and stations—explanatory of the third item of appropriation.

	Portsmouth.		Charlestown.		Brooklyn.		Philadelphia.	
	Per month.	Per year.	Per month.	Per year.	Per month.	Per year.	Per month.	Per year.
Storekeeper	.....	$1,200 00	.....	$1,700 00	.....	$1,700 00	.....	$1,200 00
Clerk to storekeeper	.....	250 00	.....	450 00	.....	450 00	.....	360 00
Clerk of the yard	.....	600 00	.....	900 00	.....	900 00	.....	600 00
Clerk to the commandant	.....	.....	.....	750 00	.....	750 00	.....	600 00
Clerk to the commandant	.....	....	$30	360 00	$30	360 00	.....	
Naval constructor	.....	2,000 00	.....	2,000 00	.....	2,000 00	.....	2,300 00
Draftsman	.....	.....	.....	.....	.....	.....	.....	
Master joiner and foreman of carpenters	.....	.....	.....	.....	.....	.....	.....	1,200 00
Clerk to constructor and clerk of the check	$20	240 00	35	420 00	35	420 00	$25	300 00
Inspector of timber	.....	.....	.....	900 00	.....	900 00	.....	700 00
Master chain cable and caboose maker	.....	.....	.....	.....	.....	.....	.....	
Porter	25	300 00	25	300 00	25	300 00	25	300 00
Keeper of magazine	.....	.....	.....	.....	.....	.....	.....	
Machinist	.....	.....	.....	.....	.....	.....	.....	
Master builder	.....	.....	.....	.....	.....	.....	.....	
Master plumber	.....	.....	.....	.....	.....	.....	.....	
	.....	$4,590 00	.....	$7,780 00	.....	$7,780 00	.....	$7,500 00

Statement of the pay of the civil establishment, &c.—Continued.

	Washington.		Gosport.		New Orleans.		Amount.
	Per month.	Per year.	Per month.	Per year.	Per month.	Per year.	
Storekeeper	.....	$1,700 00	.....	$1,700 00	.....	$1,700 00	$10,900 00
Clerk to storekeeper	.....	450 00	.....	450 00	.....	.....	2,350 00
Clerk of the yard	.....	900 00	.....	900 00	.....	.....	4,800 00
Clerk to the commandant	.....	1,000 00	.....	750 00	.....	.....	3,850 00
Clerk to the commandant	$40	480 00	$30	360 00	.....	.....	1,560 00
Naval constructor	.....	2,300 00	.....	2,000 00	.....	.....	12,600 00
Draftsman	40	480 00	.....	.....	.....	.....	480 00
Master joiner and foreman of carpenters	.....	.....	.....	.....	.....	.....	1,200 00
Clerk to constructor and clerk of the check	35	420 00	35	420 00	.....	.....	2,220 00
Inspector of timber	.....	900 00	.....	900 00	.....	.....	4,300 00
Master chain cable and caboose maker	.....	1,500 00	.....	.....	.....	.....	1,500 00
Porter	25	300 00	25	300 00	.....	.....	1,800 00
Keeper of magazine	.....	.....	.....	480 00	.....	.....	480 00
Machinist	.....	1,500 00	.....	.....	.....	.....	1,500 00
Master builder	.....	1,500 00	.....	.....	.....	.....	1,500 00
Master plumber	.....	1,200 00	.....	.....	.....	.....	1,200 00
	.....	$14,630 00	.....	$8,260 00	.....	$1,700 00	$52,240 00

Estimate of provisions required for the navy for the year 1826.

For vessels in commission	4,268	
For receiving vessels	104	
For ordinary	158	
For officers, &c., awaiting orders	159	
	4,689	persons,
At one ration per day each, makes	1,711 485	rations,
Estimated at 25 cents each, is		$427,871 25
From which may be deducted, as a balance may probably remain on hand at the expiration of the present year, say		50,000 00
Leaving to be appropriated for provisions for the year 1826 the sum of		$377,871 25

Estimates for improvements and repairs of navy yards—explanatory of the sixth item of appropriation.

PORTSMOUTH, N. H.—For launching-ways of frigates, for wharves, for buildings for accommodation of officers attached to the yard, for leveling and filling up the yard, for timber sheds to preserve the timber after being hewed out, for want of which, in all the yards, considerable loss of timber is incurred; for repairs of buildings $10,000

CHARLESTOWN, MASS.—For stone wall to enclose the yard; for building and launching-ways of a frigate; for launching-ways of a 74; for causeway to connect the two building-ways with the blacksmith's shop; for cutting down and leveling the yard; for timber sheds; for boat houses; for mast houses; for buildings for the accommodation of officers attached to the yard; for additional wharves and repairing wharves; for repairs of buildings 40,000

NEW YORK.—For cutting down and leveling the yard; for launching-ways for a frigate and sloop-of-war; for a mast house; for a boat house; for timber sheds; for buildings for the accommodation of the officers attached to the yard; for blocks for mooring ships; for wharves and repairs of wharves; for repairs of buildings 35,000

PHILADELPHIA.—For launching ship commenced in 1821, which will be completed in the ensuing year, "the probable amount of $15,000;" for repairs of frigates' launching-ways; for sloop-of-war's building and launching-ways; for mast house; boat house; timber sheds; for store house 30,000

WASHINGTON.—For repairing wharves and launching-ways; for buildings for the accommodation of officers attached to the yard; for timber sheds; for mast houses; for repairs of buildings, &c 15,000

GOSPORT.—For building and launching-ways for a frigate and sloop-of-war; for filling up the yard; for buildings for the accommodation of officers attached to the yard; for timber sheds; for boat house; for mast house; store houses 40,000

$170,000

C.

Estimate of the sums required for the support of the office of the Navy Commissioners, for the year 1826.

Commissioners of the Navy Board	$10,500
Secretary	2,000
Clerks, per act of April 20, 1818	3,550
Clerks and draftsman, per act of May 26, 1824	4,000
Messenger	700
Contingent expenses	1,800
	$22,550

NAVY COMMISSIONERS' OFFICE, *October* 1, 1825.

SIR: Upon the subject of the estimate C, transmitted with our communication of this date, the Commissioners beg leave to observe, with respect to the compensation allowed to the clerks in this office, that a sense of justice impels them to remark, that the salaries generally are lower than those in other offices, and do not sufficiently compensate the clerks for the duties they actually perform, which are arduous, and require constant and indefatigable attention.

The following shows their present compensations, and those which the Commissioners respectfully propose, viz:

Present compensation.		Proposed compensation.	
One	at $1,600 00	One	at $1,600
One	1,150 00	One	1,150
One	1,000 00	One	1,100
One	1,000 00	One	1,100
One	1,000 00	One	1,100
One	800 00	One	1,000
	$6,550 00		$7,050
Averaging	$1,091 40	Averaging	$1,175

The draftsman's duties are also very arduous, and they are performed with great attention and the most minute accuracy. He well deserves additional compensation, and the Commissioners would respectfully recommend, as an act of justice, that his salary be raised from $1,000 to $1,100.

I have the honor to be, with great respect, sir, your most obedient servant,

WM. BAINBRIDGE.

Hon. SAMUEL L. SOUTHARD, *Secretary of the Navy.*

D.

Exhibit showing the names, stations, salaries, and places of nativity, of all the persons in the office of the Navy Commissioners, made conformably to the resolution of Congress, approved 27th April, 1816.

Names.	Stations.	Place of nativity.	Salaries.
Wm. Bainbridge	President of the board	New Jersey	$3,500
Jacob Jones	Commissioner	Delaware	3,500
C. W. Goldsborough	Secretary	Maryland	2,000
Wm. G. Ridgely	Chief clerk	Maryland	1,600
John Green	Chief clerk	Maryland	1,150
Jos. P. M'Corkle	Chief clerk	Delaware	1,000
James Hutton	Chief clerk	Pennsylvania	1,000
Robert A. Slye	Chief clerk	Maryland	1,000
B. S. Randolph	Chief clerk	Virginia	800
C. Schwartz	Draftsman	Germany	1,000
B. G. Bowen	Messenger	Maryland	700

E.

Statement of the progress made under the law for the gradual increase of the navy, showing the time of commencing and completing the several vessels, and (see paper, No. 1,) the expenditures for each.

SHIPS OF THE LINE—LAUNCHED.

Columbus, built at Washington, commenced May, 1816; launched March, 1819. Delaware, built at Gosport, commenced August, 1817; launched October, 1820. North Carolina, built at Philadelphia, commenced February, 1818; launched September, 1821. Ohio, built at New York, commenced November, 1817; launched May, 1820. Four ships launched.

SHIPS OF THE LINE—BUILDING.

One at Portsmouth, N. H., commenced June, 1819. Two at Charlestown, Mass.—one commenced September, 1818; the other commenced May, 1822. One at Philadelphia, commenced September, 1821. One at Gosport, commenced May, 1820. Five ships building.

Nine ships of the line built and building.

FRIGATES—LAUNCHED.

Potomac, built at Washington, commenced August, 1819; launched March, 1822. Brandywine, built at Washington, commenced September, 1821; launched June, 1825. Two frigates launched.

FRIGATES—BUILDING.

One at Portsmouth, N. H., commenced August, 1821. Two at Brooklyn, N. Y.—No. 8, commenced July, 1820; No. 10, commenced February, 1823. One at Philadelphia, commenced September, 1820. Four frigates building.

FRIGATES TO BE BUILT.

One at Charlestown, Mass.; the frame and principal materials are provided, the building ways nearly completed, and it is expected the keel will be laid this autumn. One at Washington; the frame and principal materials procured—the keel will be laid in the ensuing month, (November.) One at Gosport; the frame and principal materials procured—the building ways are constructing, and preparations making for laying the keel as soon as the ways are finished, which are expected to be completed during the present year. Three frigates to be built.

RECAPITULATION.

Built—four ships of the line, two frigates.
Building—five ships of the line, four frigates.
Three frigates to be built.

NOTE.—The ships of the line and frigates now building, except the ship at Philadelphia, are nearly in as finished a state as is deemed advisable, until there is a probability of their being required for service; by leaving them uncaulked, and giving a free circulation of air, and being under cover, entirely protected from the weather, their timbers are improved by seasoning, and without doubt will be more durable than if launched immediately on being built—they can be launched in about ninety days.

The ship at Philadelphia will require about five months.

Contracts have been made for all the anchors, water tanks, copper, iron, and other imperishable materials, except kentledge, to complete the vessels authorized under gradual increase. Contracts for kentledge will be made in the ensuing month.

Although there appears on the Treasurer's books a large unexpended balance for the gradual increase, yet it is not, in the opinion of the board, too much to meet the demands of existing contracts, and other expenditures to complete the vessels, necessarily growing out of the execution of the law for increasing the navy.

Owing to the difficulty in obtaining mechanics, particularly ship carpenters, it has not been in the power of the commissioners to report such progress in the various operations in the several building yards as they could have wished, although they feel confident that every exertion has been made by the commandants of the respective yards.

No. 1.

Exhibit of expenditures for labor and materials of every description, on the ships built and building under the law for gradual increase.

Description of vessels.	No. of days' work.	Am't of wages.	Materials.			Total cost of material.	Expenditures for materials and labor.
			Wood.	Metal.	All other.		
SHIPS OF THE LINE LAUNCHED.							
*Columbus	109,325	$204,237 47	$70,458 84	$79,385 70	$72,849 10	$222,693 64	$426,931 11
*North Carolina	79,930¾	115,938 03½	112,085 69	74,991 80	40,236 42	227,313 91	343,251 93¼
*Delaware	112,844	166,755 03½	94,526 38	74,230 26	40,223 45½	208,980 09½	375,735 13
*Ohio	75,588¾	110,036 37¼	119,328 00	62,145 86	17,010 04	198,483 90	308,520 27¼
	375,688¼	$596,966 91¼	$396,398 91	$290,753 62	$170,319 01½	$857,471 54½	$1,454,438 44¼
SHIPS OF THE LINE BUILDING.							
†At Portsmouth, N. H.	55,169¼	$66,601 92½	$97,615 60	$49,150 68	$3,976 72	$150,743 00	$217,344 92½
†At Charlesto'n, Mass.	39,751	55,012 01	83,260 21	40,401 80½	5,573 46½	129,235 46	184,247 47
†At Charlesto'n, Mass.	35,202½	47,822 34	81,309 32	34,904 17¾	871 46	117,08, 00	164,908 16¾
†At Philadelphia	40,427	55,583 40¾	94,109 53	11,980 37¼	184 52	106,274 40	161,857 80
†At Gosport	42,013½	55,617 93	73,873 61	11,299 60	2,846 95	88,020 16	143,638 09
	212,563¼	$280,637 61¼	$430,168 27	$147,736 63½	$13,453 11½	$591,358 02	$871,996 45¼
FRIGATES LAUNCHED.							
‡Potomac	65,379½	$87,039 036	$43,531 16	$46,145 89	$1,603 35	$91,280 40	$178,320 09
‡Brandywine	69,309½	84,990 02	59,541 51	61,244 02¾	56,100 70½	176,886 24¼	261,876 26¼
	134,689	$172,029 71	$103,072 67	$107,389 91¾	$57,704 05½	$268,166 64¼	$440,196 35½
FRIGATES BUILDING.							
§At Portsmouth	32,930¼	$39,472 95	$55,072 57	$24,036 65	$2,111 10	$81,220 32	$120,693 27
§At New York	36,578½	47,865 83¾	68,691 38¾	23,114 53¼	3,823 50	95,629 42¼	143,495 26
§At New York	16,756	25,276 76	65,119 52½	5,713 64¼	736 12¼	71,569 28	96,846 04¼
§At Philadelphia	29,009½	37,411 26½	64,764 83	17,198 97	1,991 11	83,954 96¼	121,366 22¾
	115,274½	$150,026 81¼	$253,648 36¼	$70,063 79½	$8,661 83¼	$332,373 98½	$482,400 80¼
Grand Totals	838,215¼	$1,199,661 04½	$1,183,238 21¼	$615,943 96¾	$250,138 01¾	$2,049,370 19¼	$3,249,032 05½

F.

Statement showing the progress made under the law for building ten sloops-of-war.

Orders were issued from this office immediately after the passage of the law to the respective commandants of the several navy yards, at Portsmouth, N. H., Philadelphia, Washington, and Gosport, for the construction of one sloop-of-war at each of the navy yards under their command, and also to the commandants at the yards at Charlestown, Mass., Brooklyn, N. Y., to make arrangements to commence, immediately, the construction of three sloops at each yard, two of which, at the former, and one at the latter yard, will be launched, and one at the former ready for sea, within the present year.

Contracts for the timber, and other materials, required for all the sloops authorized by law, have been made upon terms favorable to government, to be delivered within the ensuing year, in which time, it is believed, the entire number may be afloat.

* From returns made up to 31st August
† From returns made up to 31st August.
‡ Under "all other materials" for this ship is included ordnance and stores, and embraces all the expenditures for equipments and outfits, so far as have been ascertained.
§ From returns made up to 31st August.

G.

Exhibit showing the names and force of the vessels of the United States navy; also, when and where built, purchased, or captured, and the present state and condition of the vessels in ordinary and on the lakes.

Names of vessels.	Force.	When built or captured.	Where built.	State.	Condition.
Independence	74	1814	Boston	In ordinary	At Boston; would require an examination of her copper, and some slight repairs, before going to sea.
Franklin	74	1815	Philadelphia	In ordinary	At New York; would require coppering, and considerable other repairs, to fit her for service.
Washington	74	1816	Portsmouth	In ordinary	At New York; her copper would require examination, and considerable repairs would be necessary to fit her for service.
Columbus	74	1819	Washington	In ordinary	At Boston; would require an examination of her copper and some slight repairs, before going to sea.
Delaware	74	1820	Gosport, Va	In ordinary	At Gosport; will require considerable repairs before going to sea.
North Carolina	74	1820	Philadelphia	In service	
Ohio	74	1820	New York	In ordinary	At New York; her copper would require an examination, and considerable repairs would be necessary to fit her for service.
United States	44	1797	Philadelphia	In service	
Constitution	44	1797	Boston	do	
Guerriere	44	1814	Philadelphia	Repairing	At Gosport.
Java	44	1814	Baltimore	do	At Boston.
Potomac	44	1821	Washington	Under cover	At Washington.
Brandywine	44	1825	do	In service	
Congress	36	1799	Portsmouth	Repairing	At Washington.
Constellation	36	1797	Baltimore	In service	
Macedonian	36	1812	Captured	Repairing	At Gosport.
Cyane	24	1815	do	In service	
John Adams	24	1799	Charleston	do	
Ontario	18	1813	Baltimore	do	
Erie	18	1813	do	do	
Peacock	18	1813	New York	do	
Hornet	18	1813	Baltimore	do	
Spark	12	1814	Purchased	do	
Porpoise	12	1820	Portsmouth	do	
Dolphin	12	1821	Philadelphia	do	
Grampus	12	1821	Washington	do	
Shark	12	1821	do	do	
Fulton steam frigate	....	1815	New York	Receiving vessel	At New York.
Alert	....	1815	Captured	do do	At Norfolk.

Suppression of piracy.

Names of vessels.	Tons.	Where built.	State.	Condition.
Fox	53	Purchased	In service	
Terrier	61	do	do	
Steam galliot Sea Gull	.....	do	Receiving vessel	At Philadelphia.
Decoy transport	.....	do	In service	
Musquito barge	.....	Built	do	
Gnat barge	.....	Built	do	
Midge barge	.....	Built	do	
Sand Fly barge	.....	Built	do	
Gallinipper barge	.....		do	

On the lakes.

Ghent, 4 guns	Erie.	Recommended to be sold.
Chippewa, 74 guns	Ontario.	Under cover at Sackett's Harbor.
New Orleans, 74 guns	Ontario.	Under cover at Sackett's Harbor.

II.

Statement of the progress made in executing the instructions of the honorable the Secretary of the Navy of the 14th February last.

On the 26th February the several officers commanding the naval stations at Sackett's Harbor, Erie, and Whitehall, were required to inform the Board of Navy Commissioners of the best terms on which contracts could be obtained for the transportation of the ordnance and stores, &c., from the several stations to the Navy yard at Brooklyn, New York, and requiring them also to furnish the board with a list of such articles which, in their opinion, would be more advantageous to the public interest to sell than to transport, as well as at what prices the vessels at the several stations would sell for.

Mr. Robert Hugunin, on the 23d March, offered $8,000 for the eight vessels then lying sunk at Sackett's Harbor, stipulating to raise and remove them within eighteen months. The Commissioners accepted his offer, and his bonds, with security, have been received and transmitted to your Department.

An offer was also made for the Lady of the Lake and the gun boats at this place, which the Commissioners thought not equal to their value, and ordered them to be advertised for sale at public auction, together with such other articles as the board had determined to sell rather than have them transported, lists of which were furnished to the commandant of that station, and similar lists also transmitted to the commanding officers of the two other stations, who were directed to sell at auction, in addition to the articles embraced in those lists, all vessels, boats, launches, &c., &c., except the Ghent, at Erie.

Contracts to transport such articles as might be delivered for that purpose were made with Messrs. Dennison and Ely, from Sackett's Harbor, R. B. Heacock, from Erie, and Ezra Smith, from Whitehall, and their bonds, with security for the performance of their contracts, received, and, together with the contracts, have been transmitted to the Navy Department.

Paper No. 1, hereto annexed, will show the articles which have been transported under these contracts to the Navy yard at Brooklyn, up to the 15th September.

No. 2 will show the amount of sales at the several stations, so far as have been received, to have been $52,151.27.

It is believed that all the stores, &c., &c., at the several stations will have been sold or transported within the present year, so that all the persons now at each station may be transferred, except one captain or master commandant at Sackett's Harbor.

No. 1.—*Exhibit explanatory of paper H.*

Date.	Number of receipts.	From Sackett's Harbor—articles transported.	Shot.						Cannon.				Carronades.					Sails.										
			Twelve pound.	Eighteen pound.	Twenty-four pound.	Thirty-two pound.	Forty-two pound.	Sixty-eight pound.	Twelve pounders.	Eighteen pounders.	Twenty-four pounders.	Thirty-two pounders.	Eighteen pounders.	Twenty-four pounders.	Thirty-two pounders.	Forty-two pounders.	Sixty-eight pounders.	Spankers.	Top-sails.	Stud-sails.	Main-sails.	Fore-sails.	Square-sails.	Jibs.	Stay-sails.	Topgallant-sails.	Royals.	Gun-boat sails.
June 10, 1825	1	Cannon shot	.....	575	2,423	52	1	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....
June 15, 1825	2	Cannon shot	.....	.....	3,600	.....	.....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....
June 16, 1825	3	Cannon shot	.....	.....	3,000	.....	.....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	...
June 16, 1825	4	Cannon and shot	.....	.....	4,000	.....	.....	....	....	....	....	....	....	....	...	....	....	....	....	....	....	....	....	....	....	....	....	....
June 17, 1825	5	Cannon, shot, and spikes	.....	610	800	.....	.....	....	....	2	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....
June 22, 1825	6	Shot	.....	460	178	3,000	.....	....	....	2	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....
June 27, 1825	7	Shot and spikes	.....	.....	.....	.....	2,642	....	....	....	....	....	...	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....
June 27, 1825	8	Shot	.....	.....	.....	2,500	.....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....
July 1, 1825	9	Cannon and shot	.....	748	3,814	878	.....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....
July 5, 1825	10	Cannon and shot	.....	1,544	.....	.....	.....	....	1	3	....	3	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....
July 8, 1825	11	Cannon, shot, canvas, sails	.....	.....	.....	.....	.....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....
July 13, 1825	12	Cannon, carronades, spikes	.....	.....	190	209	27	5	....	....	2	....	....	1	8	....	....	3	7	10	1	1	1	2	9	....	4	....
July 15, 1825	13	Cannon, iron, and sails	.....	.....	.....	.....	.....	....	....	....	....	4	....	....	3	9	....	....	....	....	....	....	....	....	....	....	....	....	....
July 16, 1825	14	Cannon, iron, and sails	.....	.....	.....	.....	.....	....	....	2	....	4	....	....	....	....	....	....	6	7	2	3	....	3	7	2	1	20
July 23, 1825	15	Cannon, iron, and carronades	.....	.....	.....	.....	.....	....	....	1	1	5	....	....	....	....	....	3	4	....	....	1	....	....	3	....	....	2
July 27, 1825	16	Cannon, iron, and carronades	.....	.....	.....	.....	.....	....	1	5	2	9	....	....	2	10	....	....	....	....	....	....	....	....	....	....	....	....
August 3, 1825	17	Cannon, anchors, and carronades	.....	.....	.....	.....	.....	....	....	....	1	2	1	....	11	13	....	....	....	....	....	....	....	....	....	....	....	....
August 11, 1825	18	Cannon, blocks, and carronades	.....	.....	.....	.....	.....	....	....	3	....	....	....	4	9	29	....	....	....	....	....	....	....	....	....	....	....	....
August 18, 1825	19	Cannon, carronades, anchors	.....	.....	.....	.....	.....	....	1	4	10	2	1	1	5	13	1	....	....	....	....	....	....	....	....	....	....	....
August 19, 1825	20	Carronades	.....	.....	.....	.....	.....	....	....	....	....	....	....	8	6	29	....	....	....	....	....	....	....	....	....	....	....	....
September 3, 1825	21	Cannon and anchors	.....	.....	.....	.....	.....	....	3	3	19	19	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....
September 10, 1825	22	Cannon, spikes, iron, and anchors	.....	.....	.....	.....	.....	....	....	....	6	2	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....
		Tons	.....	.....	.....	.....	.....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....
		From Whitehall:																										
August 11, 1825		Cannon and carriages	.....	.....	.....	.....	.....	....	....	....	12	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....
September 10, 1825		Cannon, carronades, and shot	2,466	1,464	.....	.....	.....	...	19	10	19	....	8	2	25	3	....	....	....	....	....	....	....	....	....	....	....	....
September 15, 1825		Shot and carriages	.....	1,524	702	.....	.....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....

No. 1.—*Exhibit explanatory of paper H*—Continued.

Date.	Number of receipts.	From Sackett's Harbor—articles transported.	Canvas, bolts.	Iron.										Anchors.	Hearts, &c.			Weights.				Price.	Amount.
				Round.	Flat.	Square.	Six inch spikes.	Seven inch spikes.	Nine inch spikes.	Nine inch spikes.	16 inch spikes.	Spike iron, b'ches.	Rivets, &c.		Dead eyes.	Hearts.	Blocks.	Tons.	Cwt.	Quarters.	Pounds.		
				Bars.	Bars.	Bars.	Bbls	Bbls	Bbls.	Kegs.	Bbls.												
June 10, 1825	1	Cannon shot																31	6	3	12		
June 15, 1825	2	Cannon shot																38	11	1	20		
June 16, 1825	3	Cannon shot																32	2	3	12		
June 16, 1825	3	Cannon and shot																45	16	2	7		
June 17, 1825	5	Cannon, shot, and spikes								19								19	1	1	7		
June 22, 1825	6	Shot																47	9	0	14		
June 27, 1825	7	Shot and spikes					3	2	13	17	6							57	15	3	18		
June 27, 1825	8	Shot																37	17	2	5		
July 1, 1825	9	Cannon and shot																61	17	1	25		
July 5, 1825	10	Cannon and shot																28	8	1	22		
July 8, 1825	11	Cannon, shot, canvas, sails	29															30	3	1	5		
July 13, 1825	12	Cannon, carronades, spikes								25								27	8	2	11		
July 15, 1825	13	Cannon, iron and sails			135	641						11						35	0	1	20		
July 16, 1825	14	Cannon, iron and sails				969												38	14	2	25		
July 23, 1825	15	Cannon, iron and carronades				1,778						20						91	16	2	3		
July 27, 1825	16	Cannon, iron and carronades		224	542	724						24						84	15	2	6		
August 3, 1825	17	Cannon, anchors and carronades												2				40	4	1	27		
August 11, 1825	18	Cannon, blocks and carronades						5							158	26	885	75	6	0	24		
August 18, 1825	19	Cannon, carronades and anchors												1				65	6	3	21		
August 19, 1825	20	Carronades																52	2	1	11		
September 3, 1825	21	Cannon and anchors												5				122	4	0	23		
September 10, 1825	22	Cannon, spikes, iron, and anchors		134	8	164						95	15	6				53	1	3	4		
		Tons																1,106	12	2	14	$13 60	$15,050 18½
		From Whitehall:																					
August 11, 1825		Cannon and carriages																33	5	0			
September 10, 1825		Cannon, carronades and shot												1				150	7	0			
September 15, 1825		Shot and carriages																43	4	1	20		
																		226	16	1	20	4 00	887 28
																							$15,937 46

No. 2.

Statement of sales made at Sackett's Harbor, Erie, and Whitehall—explanatory of part of paper H.

April 30, 1825, at Sackett's Harbor	$8,000 00
May 25, 1825, at Sackett's Harbor	989 56
June 6, 1825, at Sackett's Harbor	503 50
July 19, 1825, at Whitehall	5,276 61
August 1, 1825, at Sackett's Harbor	27,704 45
August 8, 1825, at Erie	8,260 93
August 10, 1825, at Whitehall	1,356 22
	$52,151 27

Estimate of pay for officers, non-commissioned officers, musicians, and privates, and subsistence for the officers of the United States marine corps, for the year 1826.

PAY.

One lieutenant colonel commandant, per month $75	$900 00	
One lieutenant colonel, per month $60	720 00	
One paymaster, per month $50	600 00	
One quartermaster, per month $60	720 00	
Seven captains, per month $40	3,360 00	
Twenty-three first lieutenants, per month $30	8,280 00	
Sixteen second lieutenants, per month $25	4,800 00	
One surgeon, per month $50	600 00	
One surgeon's mate, per month $40	480 00	
One sergeant major, per month $10	120 00	
One quartermaster sergeant, per month $10	120 00	
One drum major, per month $9	108 00	
One fife major, per month $9	108 00	
Seventy-one sergeants, per month $9	7,668 99	
Seventy-three corporals, per month $8	7,008 00	
Twenty drummers, per month $7	1,680 00	
Twenty fifers, per month $7	1,680 00	
Seven hundred and fifty privates, per month $6	54,000 00	
Extra pay for adjutant and inspector, per month, $30	360 00	
		$93,312 00

SUBSISTENCE.

One lieutenant colonel, six rations per day, and six as commandant, 12 rations per day, is 4,380 rations, at 20 cents	$876 00	
One lieutenant colonel, five rations per day, is 1,825 rations, at 20 cents	365 00	
One paymaster, four rations per day, is 1,460 rations, at 20 cents	292 00	
One quartermaster, four rations per day, is 1,460 rations, at twenty cents	292 00	
Seven captains, three rations per day each, is 7,665 rations, at twenty cents	1,533 00	
Twenty-three first lieutenants, four rations per day each, is 33,580 rations, at 20 cents	6,716 00	
Sixteen second lieutenants, three rations per day each, is 17,520 rations, at 20 cents	3,504 00	
One surgeon, two rations per day, is 730 rations, at twenty-five cents	182 50	
One surgeon's mate, two rations per day, is 730 rations, at 20 cents	146 00	
		13,906 50
		$107,218 50

JOS. L. KUHN, *P. M. M. C.*

HEAD-QUARTERS OF MARINES,
Paymaster's Office, Washington, November 29, 1825.

Estimate for expenditures in the quartermaster's department of the United States marine corps for the year 1826.

SUBSISTENCE.

For 393 non-commissioned officers, musicians, privates, and washerwomen, at one ration per day, each, (serving on shore) making 143,080 rations, at 12 cents per ration, is	$17,169 60	
For 570 non-commissioned officers, musicians, and privates, (afloat,) at one ration per day, each, is 208,050 rations, at 25 cents per ration	52,012 50	
		$69,182 10

CLOTHING.

For 958 non-commissioned officers, musicians, and privates, at $30 each, is.....	28,140 00	
For 100 watch-coats, at $6.25 each.....	625 00	
		$28,765 00

FUEL.

For the non-commissioned officers, musicians, privates, and washer women, on shore, and for the public offices, hospitals, and armory.....	6,000 00

CONTINGENCIES.

For traveling expenses for officers and transportation for men, freight of stores from one station to another, toll, ferriage, wharfage and cartage, expenses of recruiting, per diem allowance for attending courts-martial and courts of inquiry, compensation to judge advocates, house rent and chamber money where there are no public quarters assigned, incidental labor in the quartermaster's department, expenses of burying deceased persons belonging to the corps, printing and stationery, postage on public letters, forage, per diem allowance to officers on extra duty, expenses of pursuing deserters, keeping in repair the barracks at the different stations, straw for the men, barrack furniture, spades, axes, shovels, picks, and carpenter's tools; and for no other purposes whatever.....	$13,500 00	
For sundry expenses arising in the current year, not hereinbefore mentioned..	500 00	
		14,000 00

MEDICINES.

For medicines, hospital stores, and instruments for the officers and marines on shore.....	2,369 71

BARRACKS.

For building officers' quarters and repairing barracks at Philadelphia.....	9,000 00
	$129,316 81

Respectfully submitted.

E. J. WEED, *Q. M. M. C.*

HEAD-QUARTERS MARINE CORPS, *Quartermaster's Office, November* 4, 1825.

Estimate of the sums required for the support of the office of the Secretary of the Navy for the year 1826.

Salary of the Secretary of the Navy, per act of Congress of 20th February, 1820.....	$6,000 00
Compensation to the clerks employed in the office of the Secretary of the Navy, as per act of Congress 20th April, 1818.....	8,200 00
Compensation for one additional clerk, per act of Congress of 26th May, 1824.....	1,000 00
Compensation to the messenger and assistant messenger.....	1,050 00
Contingent expenses.....	2,000 00
	$18,250 00
Compensation for one additional clerk.....	1,000 00
Addition to the salary of one clerk, from $800 to $1,000.....	200 00
	$19,450 00

L.

NAVY DEPARTMENT, *March* 3, 1825.

SIR: A law having passed which authorizes the building of ten sloops-of-war, it is important that immediate measures be taken to carry it into execution, especially so far as it can be done with the materials now on hand.

You will be pleased, therefore, to give the necessary orders upon the subject, and complete as many as circumstances will permit in the course of the spring and summer.

I am, respectfully, &c.,

SAML. L. SOUTHARD.

Com. WM. BAINBRIDGE, *President Naval Board.*

19TH CONGRESS.] No. 269. [1ST SESSION.

ON A CLAIM FOR PURSER'S SMALL STORES, LOST BY THE CAPTURE OF THE SLOOP-OF-WAR WASP.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 19, 1825.

Mr. STORRS, from the Committee on Naval Affairs, to whom was referred the petition of Catharine Wise, widow of George S. Wise, deceased, reported:

That they have had the said petition and documents under their consideration, and find that the said George S. Wise was a purser in the navy, attached to the sloop-of-war the Wasp, before and during the time of her cruise in which she was captured; that it was his duty, as purser of the ship, to furnish to the men on board the said sloop-of-war certain articles necessary to their health and comfort, usually called *small stores;* that there was on board the said vessel, when captured, articles of that description to a considerable amount in value. The committee are of opinion that his representatives are entitled, in justice and equity, to be credited by the accounting officers of the Department, the amount of all such articles as it shall satisfactorily appear to them were on board the said sloop-of-war at the time of her capture, and furnished by the said George S. Wise for the use of said sloop-of-war, on her said cruise, and for that purpose they have directed a bill to be reported.

19TH CONGRESS.] No. 270. [1ST SESSION.

PROCEEDINGS AND DOCUMENTS OF COURTS-MARTIAL AND OF INQUIRY ON THE COURSE OF COMMODORE DAVID PORTER, IN THE SUPPRESSION OF PIRACY, TRANSPORTATION OF SPECIE AND IN THE PURSUIT OF THE PIRATES AT FOXARDO, IN THE ISLAND OF PORTO RICO.

COMMUNICATED TO THE SENATE DECEMBER 26, 1826.

NAVY DEPARTMENT, *December* 22, 1825.

SIR: In answer to a resolution of the Senate of the 14th inst., that the Secretary of the Navy "be directed to cause to be laid before the Senate the proceedings and judgment of the court of inquiry, in relation to the employment of the squadron under Commodore Porter, for the suppression of piracy in the West Indies, and the transportation of specie in vessels of the United States during the years 1823 and 1824, and also the proceedings of the court-martial in reference to the transactions at Foxardo," I have the honor to send a printed volume, which contains the information called for.

I have the honor to be very respectfully, &c.,

SAML. L. SOUTHARD.

The PRESIDENT *of the Senate of the United States.*

MINUTES OF PROCEEDINGS OF THE COURT OF INQUIRY AND COURT-MARTIAL, IN RELATION TO CAPTAIN DAVID PORTER: CONVENED AT WASHINGTON, D. C., ON THURSDAY, THE SEVENTH DAY OF JULY, A. D. 1825.

PROCEEDINGS.

To Isaac Chauncey, Esq., Captain in the Navy of the United States:

It having been made to appear to the President of the United States, that on or about the fourteenth day of November, in the year of our Lord one thousand eight hundred and twenty-four, David Porter, Esquire, a captain in the navy of the United States, then in command of the naval forces of the United States in the West Indies and Gulf of Mexico, did, with a part of the military force under his command, forcibly land upon the Island of Porto Rico, a part of the dominions of his Catholic Majesty the King of Spain, then and still at peace and in amity with the Government of the United States, and did then and there commit acts of hostility within the territories, and against the subjects, of the said King of Spain:

The President of the United States has deemed an inquiry into the conduct of the said David Porter, on that occasion, as well as into the causes which led to the same, to be necessary and proper.

And whereas certain representations having been made to the Government of the United States, in regard to the employment of the naval forces of the United States in the West Indies and Gulf of Mexico, setting forth, in substance, that, in the year one thousand eight hundred and twenty-four, the said naval forces were not employed in the suppression of piracy in the most effective manner, but were employed in the transportation of specie, and in other objects of inferior moment, to the neglect of the public interests; and the said David Porter, considering his conduct and character as the commander of said forces to be thereby implicated, has requested of this Department that an inquiry be made into the truth of said representations:

The President of the United States, in consideration of the premises, has charged me to convene a court of inquiry for the purpose of examining into the matters aforesaid.

You are therefore hereby ordered to proceed to the Navy yard at the city of Washington, on or before the second day of May next, to act as a member of said court, and to officiate as the president thereof.

Orders are also transmitted to Captain Wm. M. Crane and Captain George C. Read, to appear at the time and place aforesaid; and Richard S. Coxe, Esquire, is also appointed judge advocate, and will report himself to you in that capacity at the time and place aforesaid.

And the said court is hereby required to convene and organize at the said Navy yard at Washington, on the said second day of May, and is authorized and directed to summon before it such persons as may be deemed necessary to give information touching the matters aforesaid, and is also empowered, authorized and directed, diligently and strictly to inquire into the said matters, to make a statement of the facts in relation to the same as they shall appear to the court; and particularly to examine into and report the causes which led to the conduct of the said David Porter at the Island of Porto Rico, before mentioned; and to ascertain and report whether the naval forces of the United States were employed in the most effective manner in the suppression of piracy, or in objects of inferior moment, to the neglect of the public interests; all of which you will transmit to this Department, to be submitted to the President of the United States for his consideration. And for your so doing, this shall be to you and all concerned a sufficient warrant.

Given under my hand, and seal of the Navy Department of the United States, at the city of Washington, this nineteenth of April, in the year of our Lord one thousand eight hundred and twenty-five, and of the independence of the United States the forty-ninth.

(Signed) SAMUEL L. SOUTHARD. [L. S.]

Minutes of the proceedings of a court of inquiry, directed to investigate the conduct of David Porter, Esquire, a captain in the navy of the United States, convened at the Navy yard in the city of Washington, this second day of May, in the year one thousand eight hundred and twenty-five, in obedience to the precept of the honorable the Secretary of the Navy, bearing date the nineteenth day of April, 1825, *which is hereunto annexed, and marked A.*

Captain Isaac Chauncey, appointed in and by the said precept, as president of said court, and Captains William M. Crane and George C. Read, members thereof, and Richard S. Coxe, judge advocate, appeared.

Captain David Porter also appeared, and being asked whether he had any objection to offer against either of the members of the court, replied that he had no specific objection to urge, but that he had some remarks which he wished to submit to the consideration of the court after it was organized, and previous to its proceeding to make the investigation for which it was convened. Whereupon, the oath prescribed by law, in such case, was administered by the judge advocate to the president and members of the court, and the president administered to the judge advocate the oath required by law to be taken by him.

Captain Porter then submitted and read to the court a paper containing certain remarks upon the precept by the authority of which the court had been convened; which was annexed to the record, and marked B.

The room being cleared, the court proceeded maturely to delibearte on the same; after some time it was opened, and the judge advocate informed Captain Porter that he had been instructed to read to him a letter which had been addressed by the judge advocate, by the directions of the court, to the Secretary of the Navy, by which he would be apprised of the course which the court had taken with regard to the paper submitted by him. Which letter was read, annexed, and marked C.

The court then adjourned till to-morrow morning, at 11 o'clock.

TUESDAY, *May* 3.

The court met pursuant to the adjournment of yesterday: present as before.

The judge advocate submitted and read to the court a communication from the honorable the Secretary of the Navy, in answer to the letter yesterday addressed to him; which was annexed to the record, and marked D.

The judge advocate then submitted and read to the court certified copies from the Navy Department of certain papers annexed to the record, and marked (Nos. 1, 2, 3, 4, 5, and 6.)

Charles T. Platt, a lieutenant in the navy of the United States, being duly sworn according to law, deposes and says:

On the 24th October last, as I believe, about 7 o'clock in the morning, I received a communication from Messrs. Cabot, Baily and Co., commercial agents at St. Thomas, informing me that their store had been forcibly entered the preceding night, and robbed of goods to the amount of not less than five thousand dollars. I commanded the Beagle, then at St. Thomas. With this communication I received also a request from Messrs. Cabot and Baily to assist in recovering the goods. I went on shore and called on them, and there learned from merchants who had been previously robbed at the same place, that they had good reason for supposing that these goods had been taken to Foxardo, or in that neighborhood.

I lost no time in getting my vessel ready for sea, took with me a pilot furnished from the shore, and a clerk of Messrs. Cabot and Baily, with a description of the goods that had been stolen. On the evening of the 26th, about 6 o'clock, I anchored, with my colors flying, in the harbor of Foxardo. It was then so late that the pilot did not think it prudent to go on shore, or was not capable of showing me the way. Early the next morning (the 27th) a boat came alongside with a message from the captain of the port, who said he would be happy to see me on shore.

I inquired whether he was acquainted with the character of the vessel; to which he replied, yes. Lest he might be mistaken, I directed him to inform the captain of the port that it was the United States schooner Beagle, and that I should be on the shore as soon as possible. At about half-past six I landed; I was there met by a parcel of ruffians; I could hardly tell what they were. One of them informed me that I could not proceed up to the village. I inquired of him who he was, whether he was an officer or not? He gave me no satisfaction whatever, but merely repeated that I could not proceed up to the town. I then proceeded on without any interruption whatever, having been advised so to do by some citizens who were there, who informed me these people had no authority to stop me. Having entered the village, I first went to the captain of the port, having been informed by a gentleman, a citizen of the place, that this was proper. I informed the captain of the port of the object of my visit, and my reasons for appear-

ing in citizen's dress, and, after producing the letter addressed to Mr. Campos, he appeared perfectly satisfied with my character, and directed me to call on the alcalde, and inform him. I called upon the alcalde and explained to him my object, and again produced the letter to Mr. Campos. He was perfectly satisfied with my character, and appeared very much pleased that I had taken the precaution to come on shore in citizen's dress.

He then stated that he had no doubt that he should be able to obtain the goods before night, or ascertain where they were. This conversation was entirely between ourselves, the interpreter only being present, every one else being out of hearing. He said the recovery of the goods would probably be attended with some expense. I replied, that if it was necessary to offer a reward for the recovery of the goods, I was authorized to offer one, not to exceed one thousand dollars. I then proposed going round to the different stores where it was possible these goods might have been deposited, with the police, and examine the goods, and see if they corresponded with the samples and descriptions we had. It was supposed that the goods which had been stolen were the only goods of that description in the country. He told me to let that matter rest, to let him manage the affair. He observed, that as I had very properly taken the precaution to come on shore in citizen's clothes, he thought it advisable to let it rest entirely with him; that if I accompaned him, it might excite some suspicion. I accordingly went to a public house and took my breakfast. About an hour after I had finished my breakfast, I received a message from the alcalde, requesting me to call at his office. I was then under the impression that he had made some discoveries in respect to the goods that I was in search of. I went over to his office directly. Lieut. Ritchie and the pilot were with me, to see what the result was.

I inquired, on my arrival at the office of the alcalde, whether he had sent for me, and for what purpose. To this the captain of the port replied, in the most provoking and insulting manner, that he had sent for me for the purpose of demanding my register. I informed them that I had previously offered to show my commission, my uniform and my colors, that I had no register, that a man of war carried none. He then told me that if I did not produce my register at once, he would imprison me. I then requested permission to go on board my vessel with any officer they might choose to go with me, and that I would satisfy them of the character of my vessel and of myself. I then stated to them that the insult which I had received from them was of that nature that it could not be overlooked on my part, and that I should make a formal report of it to Commodore Porter; and, lest that they might deny that they arrested and imprisoned me, that I should proceed directly on board my vessel, and leave the port. I left the office with the design of returning to my vessel, when I was pursued by soldiers, who took me by the collar, arrested and brought me back.

I then considered myself as a prisoner. After detaining me about an hour under charge of the sentry, with Mr. Ritchie and the pilot, they consented to let me send Mr. Bedford, the clerk, who had been sent down by Messrs. Cabot & Baily, on board the vessel, for my commission. I sent him on board, and directed him to bring my commission and uniform, though they did not require the latter. Mr. Bedford returned with them. I put on my uniform and showed them my commission, observing it was a thing which had never been required of me before.

After perhaps fifteen minutes' deliberation on the subject they pronounced the commission a forgery, and me a damned pirate, and ordered me to be confined in the jail. They called it the King's house, and not knowing what that meant, I thought they were about taking me to the most genteel house in the place. So soon as I approached near enough to discover that it was a guard house, well calculated to produce the yellow fever or plague, I objected to being confined there, and said I would not be unless they compelled it by force of arms. In about ten minutes they returned me to the quarters from which they had taken me, and placed me under charge of a sentry. After my return, I directed the interpreter to inquire what their object was; whether they meant to detain me, or what they wanted. The answer was they would detain me until they heard from St. John's, as I had produced nothing to satisfy them of my character. I informed them that what I had already shown them was all that it would be in my power to show them after hearing from St. Johns. They informed me I had shown nothing to satisfy them that I was ever ordered to that vessel as a lieutenant commandant.

I then requested permission to send on board for my orders; it was granted; I sent on board and got them. After producing my orders, they called a council, detained me till about fifteen minutes before sun-down, confined. I was then set at liberty, and ordered to go on board my vessel, which I did, laughed and hissed at by every blackguard in the street. In this way I left the village, went on board my vessel, and got under way.

On the 12th of November I was standing out of the harbor of St. Thomas, and discovered the John Adams, with her broad pendant flying, standing in to the harbor. As soon as the commodore came to anchor, I went on board and reported myself to him, and mentioned the circumstances that had led to my visit to Foxardo, and the treatment I met with there. The commodore replied that a written report was necessary. I informed him it should be done directly; that my not expecting him so soon was the cause why it had not already been made out. The commodore further informed me that if the circumstances of the case would justify my going there as I did, that he would visit Foxardo, and obtain redress for the insult offered to my person, and to the flag of the United States. I referred the commodore to Mr. Cabot and Mr. Furness, both commercial agents at that place, who would inform him that robberies of the same kind had been before committed, and the goods stolen traced to Foxardo, or the neighborhood.

The commodore directed me to go on shore and request Mr. Cabot to come on board and at the same time get a pilot. I saw Mr. Cabot, who immediately came on board with me. In the morning the pilot came on board the Beagle and I immediately got under way and stood out to the Adams, then under way by order of the commodore. I went on board the commodore and delivered my written report. I was then ordered to go ahead, with the pilot on board the Beagle, and make the best of my way to Foxardo.

The wind however was light, and we were obliged to lie to, off and on, during the night. The next morning at daylight, I was hailed and ordered to proceed again ahead.

At about seven o'clock a boat was sent on board from the commodore for the pilot, and I was directed to proceed on again to the south. At eight, signals were made to follow the motions of the commodore, who was standing in to the land. At nine, we came to anchor under the lee of Passage Island, where we remained until twelve at night, when the Grampus, the Beagle, the barges of the Adams, with as many of the officers and men as could be spared from the vessels, got under way and proceeded towards the harbor of Foxardo. At eight o'clock in the morning of the 14th, we came to anchor, with the Grampus

and Beagle, in the harbor of Foxardo. The barges were officered and manned, and about landing; at this time one of them had been sent to attack a fort on an eminence at the beach. Commodore Porter, at the same time, sent by Lieutenant Stribling, a flag of truce to the alcalde of the place.

At half-past eight we commenced marching up from the landing to the village, which was about a mile and a half distant. We walked it in about fifteen or twenty minutes. After we arrived within about forty rods of the village, in a few minutes we discovered a field piece ahead, with a number of men with muskets. Commodore Porter ordered us to halt; about fifteen minutes after we discovered a white flag, which was accompanied by Lieutenant Stribling, the alcalde, the captain of the port, and the interpreter. They professed, when they met the commodore, not to know the object of his visit; the commodore informed them they ought to have known that from the tenor of his note. Asked them if they had not confined me after knowing that I was an American officer, and why they had done so? The alcalde admitted he had confined me after knowing I was an American officer, but said that he was not to blame, as he had been forced to do so by others. The commodore informed him that he had nothing to do with any other person; that he was the alcalde, and chief magistrate of the place, and that he held him responsible for the insult offered to me and to the flag. That as he had the power of confining, he certainly had the power of releasing me. The commodore then informed him there was no necessity for any altercation, that the time he had allowed had nearly expired, that there was about five or seven minutes remaining; that he required of them a suitable apology, such a one as should be dictated, the refusal of which would compel him to resort to force of arms, which should terminate in the final destruction of the village. They acceded to this, and apologized in the manner the commodore dictated, to the satisfaction of all present.

This being done, we proceeded down to the beach, refreshments were brought down, and we returned to the vessels and got under way.

I neglected mentioning the spiking two nine pounders which guarded the passage by which we marched up. I do not knot what they were loaded. There was a battery on the beach on the eminence, with two cannons. I saw the Spaniards by them with matches; they were training them upon the vessels. This battery was attacked by a barge, and the Spaniards ran without firing; the other barges landed at almost the same time on the beach within half a mile of the battery; they did not fire at us at all.

The court then adjourned till half-past 10 to-morrow morning.

WEDNESDAY, *May* 4.

The court met pursuant to the adjournment of yesterday: present as before.

The court resumed the examination of Lieutenant Platt.

Question. Was the store of Messrs. Cabot & Baily in the town or island of St. Thomas?

Answer. The store of Messrs. Cabot & Baily was in the city of St. Thomas, the dock on the rear of the store.

Ques. Were those gentlemen at the time resident merchants at St. Thomas?

Ans. Yes; those gentlemen were American citizens residing at St. Thomas?

Ques. Did any communications pass between yourself and the authorities of St. Thomas, in relation to the alleged robbery?

Ans. No; I had no communications with the authorities at St. Thomas. I understood from Mr. Cabot, and subsequently from the governor, that some had passed between them.

Ques. Did you carry any letter or other document from the Governor or other officer of St. Thomas, or any force furnished from that island?

Ans. No; I carried no paper from any official person at St. Thomas, but a private letter from one of the most respectable merchants there, addressed to Mr. Campos, one of the most respectable merchants at Foxardo.

Ques. What orders had you received from Commodore Porter, which you considered as authorizing the steps you took?

Ans. I had received orders to protect our commerce in every manner which was consistent with the rules of the service. I understood myself as authorized to go on shore at Foxardo, and inform the police of the robbery that had been committed, which was the object I had in view.

Ques. Did the messenger from the captain of the port, or the captain of the port himself, intimate in your first conversation with them that they knew the vessel then in port to be an American man-of-war?

Ans. Yes; the captain of the port, in my first interview with him, appeared perfectly satisfied of the fact, and took down the name of the vessel, and the names of myself and officers, and our force.

Ques. In your first interview with the captain of the port, or the alcalde, did you request them to act in the recovery of the property of which you were in search, or did you propose to search for, and take, the property yourself?

Ans. I requested them to act, to search for the goods; not intending to act myself at all. I afterwards proposed going myself with the police, which they objected to as unnecessary.

Ques. Did Commodore Porter know anything of the transaction at Foxardo, previous to your communication to him?

Ans. No; he did not.

Ques. Do you know whether any communications were made to the authorities at Porto Rico, either by yourself or Commodore Porter, prior to the landing of the force at Foxardo?

Ans. I knew of none.

Ques. In what boat or vessel did Lieutenant Stribling go to Foxardo, and what length of time elapsed between his going with the flag of truce, and the landing on the beach?

Ans. Lieutenant Stribling went down to Foxardo in the Grampus, and landed about the same time that the men did.

Ques. Where did he receive his instructions from the commodore; at Foxardo, or before your arrival there?

Ans. I do not know.

Ques. How many officers and men were landed? How were they armed? What orders were given by the commodore to the landing party, or to those who remained behind?

Ans. I believe that about two hundred officers and men were landed. I do not know what orders were given to those who remained. I was ordered to land with as many men as I could conveniently, without crowding, carry in the boats. The men were armed with muskets, boarding pikes, cutlasses and

pistols. I heard no other orders given than that; after we landed, we were directed by the commodore to fall into line and march up.

Ques. Had any answer been received to the communications made through Lieutenant Stribling, before the landing of the men and the spiking of the guns in the battery on the beach, and the two nine-pounders between the beach and the town?

Ans. None that I know of.

Ques. What is the distance between Foxardo and St. Johns?

Ans. I think about forty miles.

Ques. Did the interpreter appear to be an intelligent man, well acquainted with the Spanish and English languages? And do you understand Spanish sufficiently well to know whether he interpreted correctly?

Ans. The interpreter appeared perfectly acquainted with both languages. I understood some things that were said, and my pilot, who understood both languages, told me that he interpreted correctly.

The examination of the witness, in chief, having been closed, Captain Porter was asked whether he had any questions to propose to the witness, to which he replied, that before proceeding to take any steps in his defence, he had some remarks to submit to the court, which he read, and submitted to the court; the paper was annexed to the record, and marked E.

The room was then closed, and, after some time, was opened, when the judge advocate informed Captain Porter that the court had maturely deliberated upon the paper submitted by him; that, after full consideration, the court is of opinion that the matter of the communication, as well as the language in which it is couched, is in several particulars so highly objectionable that, could the court have anticipated its character and contents, it would not have been suffered to be read. The court consider it as highly disrespectful, both to the Secretary of the Navy and to the court itself. This court cannot submit to hear from any officer animadversions on the conduct and accusations against the head of the Department, wholly foreign to the investigation in which it is engaged: nor can it, without forfeiting its own self-respect, listen to language so offensive to itself. The court is willing to believe that this objectionable character may be attributed to the hasty manner in which the paper appears to have been drawn up; and that Captain Porter, on consideration, will feel himself disposed, as well to perceive as to rectify the grounds of objection.

In order however to prevent a recurrence of such unpleasant circumstances, the court has ordered that, in future, no communication be received unless in writing: and the paper must previously be submitted to the judge advocate for the consideration of the court.

The judge advocate further informed Captain Porter that the court had likewise directed him to state, that when the question was asked him on the opening of the court whether he had any objections to make to any member of the court, he was understood to say distinctly that he had none; but that he wished to submit to the court some "remarks on the precept by which the court was convened, and the materials of which it was constituted." It was then suggested to him, that, as the court had not yet been organized, it could at that time hear nothing from him, but that the proper period would be after the members had been sworn in. This suggestion was made by the judge advocate, and apparently acquiesced in by Captain Porter.

Immediately after the organization of the court, Captain Porter read and submitted to the court the paper which has been annexed to, and constitutes part of, the record.

Conceiving that it contained not a challenge to the court, or a specific exception to any member of the court, but objections applying exclusively to the precept under which it had been convened; and that these objections, if presented to the government, might possibly induce some change in the precept, with which the court had no authority to interfere; feeling also that the exceptions which had been urged, involved the competency of the major part of the members of the court,—a question on which delicacy forbade them to express an opinion, when it had not been presented distinctly to their decision; the court determined to pursue the course which was adopted, and of which Captain Porter was immediately apprised.

If, however, Captain Porter did design to raise a question for the decision of the court, as to the legality of the precept under which it is acting, the court has no hesitation in saying that it entertains no doubt upon the subject. Had any doubt existed, the court would have put it in a way to be satisfactorily decided, before proceeding to act under it.

The court is aware that it possesses no power to compel Captain Porter to take any part in this investigation; but it is equally satisfied that his acts can in no degree interfere with the duty of the court, to proceed in the investigation which it has been charged to make by the competent authority.

The court then adjourned till 10 o'clock to-morrow morning.

THURSDAY, *May* 5.

The court met pursuant to the adjournment of yesterday: present as before.

Captain Porter stated to the court, that on perusing the record, it appeared to him that an omission had been made, (which he was desirous of having supplied,) in stating the proceedings of the first day. He submitted to the court his statement of the remarks which he made before the oath was administered to the members. The court being of opinion that Captain Porter is entitled to have his statement inserted in the record, as containing his view of what transpired, directed it to be inserted. It is in the words following, viz:

"Captain Porter being asked whether he had any objection to offer against either of the members of the court, replied that he had no specific objection to individuals; but he objected to the materials of which the court was composed, and stated further, that he had some remarks to make on the subject, as well as on the precept; that he did not think the court was legally formed."

Captain Porter then submitted to the judge advocate, for the consideration of the court, a paper. The court was cleared, and after some time, was opened. The judge advocate informed Captain Porter that he was instructed by the court to say, that the paper has been maturely considered; that it is deemed objectionable from the style of animadversion upon what has transpired, and of instruction as to the future conduct of the court. The court, therefore, will permit Captain Porter to withdraw it. Should he, however, wish it to be inserted on the record in its present shape, it shall be done, accompanied by such remarks as the court conceives it due to themselves to make.

Captain Porter declined to withdraw the paper; it was accordingly read, annexed to the record and marked F, and the judge advocate informed him as follows:

The court feels constrained to make some remarks upon the animadversions which Captain Porter has thought himself entitled to pass upon its conduct. The court did understand Captain Porter to waive or decline challenging any of the members of the court, but at the same time to intimate as an objection, which he conceived existed against the organization of the court, that two of the members were his juniors in rank. The court did not at any time suppose that this objection had any foundation, either in the letter or spirit of the law. The law is silent on the subject. The only qualification required is, that the members of the court should be commissioned officers.

"The materials, then, of which this court is constituted," are conceived to be wholly free from any legal objection. Nor is there anything in the spirit of the law which the court has been able to perceive, leading to a different conclusion. Every member of this court holds the same commission with Captain Porter; all are captains, one his senior, two his juniors, in date of commission. The court, however, is clearly and unhesitatingly of opinion that no law would be violated, either in its letter or spirit, by the appointment of any three commissioned officers to constitute a court of inquiry into the conduct of any officer. Courtesy and a regard to the feelings of the officer whose actions are to be investigated, will, it is presumed, in all cases prevent the government from selecting officers of a very inferior grade, to sit upon an inquiry into the conduct of an officer of elevated rank.

But this principle can scarcely be carried to an extent which would apply to a court, every individual of which holds the highest commission known to the American navy. At all events, this is an objection which the court conceived, and still conceives, can be properly decided only by the Executive. This court can in no manner interfere with such a question.

In this instance, likewise, it appeared to the court to be so connected with other comments upon the precept, as to present itself before the court rather as an animadversion upon the conduct of the Executive in thus organizing the court than as a challenge formally presenting the question for its decision. Captain Porter seems himself to have so viewed it, for he assigns his reasons for making this court the organ of his communications with the Department.

The court thinks proper further to remark, that the single object for which it has been constituted, is to inquire into the official conduct of Captain Porter; and to report to the Department the facts which may be proved. The court possesses no power to adjudge Captain Porter innocent or guilty; it has no authority to impose punishment. The duties imposed are enjoined by the competent authority. The interference of Captain Porter in pursuing this investigation, however desirable it may be as calculated more fully to elicit the truth, is in no manner necessary. The court is competent of itself to perform the duties imposed upon it, and will now proceed to execute that task.

Captain Porter was then asked whether he had any questions to propose to Lieutenant Platt. He declined putting any, and observed he should now take his leave of the court.

Alexander J. Dallas, a master and commander in the navy of the United States, being produced as a witness, and sworn according to law, deposes and says:

I was a master commandant in command of the John Adams, bearing Commodore Porter's broad pendant. We arrived sometime in November, I do not distinctly remember the date, off the town of St. Thomas, in the Island of St. Thomas. On our arrival there, some time I think in the afternoon of the same day, Lieutenant Platt, in company with Mr. Cabot, came on board the John Adams, and made a report to the commodore of some ill-treatment which Lieutenant Platt had received at Foxardo. In consequence of this report, I understood from the commodore that it was his intention to visit Foxardo, and endeavor to obtain an apology from the authorities there for their conduct. On the following morning, I was directed to get the John Adams under way, and proceed to Foxardo.

In consequence of the lightness of the winds, and the pilot being of opinion that the draft of water of the John Adams was too great to permit her being taken near the town, I was directed to anchor her under one of the Passage Islands, to get out all my boats, and prepare a hundred and odd men with the officers. After all these preparations were made, the day had so far advanced that we could not have arrived there before night. In consequence of which, the commodore directed that we should be ready by one or two in the morning to go on board the schooner Grampus, she and the Beagle being in company; we did so, and the Grampus took our boats in tow. We then proceeded to Foxardo, where we arrived about nine or ten the next morning. On anchoring, we observed, on a hill, near the beach, a small battery, in which there appeared to be a number of men, who it was supposed intended to make some resistance to our anchoring. An order was given by the commodore that a boat and her crew should dislodge the men from that battery. The boats were then all manned, and we landed. The commodore then directed Lieutenant Crabbe, with a portion of the marines, to advance and take a position on the road, by which we were to march up to the town. Lieutenant Stribling was then dispatched with a flag and a letter to the authorities of Foxardo; after having formed the men, we were directed to follow on by the road, leaving a guard of marines to protect the boats under the command of Lieutenant Barton. We then marched to within about twenty or thirty yards of where the marines under the command of Lieutenant Crabbe were. The commodore directed two guns, which we met with on the road, to be spiked. We remained there until Lieutenant Stribling returnd with two officers, who were understood to be the alcalde and the captain of the port. A conversation took place between the commodore and the alcalde, through the medium of an interpreter; the result of which was an apology to Lieutenant Platt for the ill-treatment he had received on his previous visit. The commodore asked the officers generally, if they were satisfied with the apology. Finding they were so, he directed our return. He received, however, an invitation to go himself into the town.

He went as far as led us by all the force that was collected: a field piece and sixty or seventy men with arms. After this we returned to the beach, where, some rum and refreshments being given to the men, we embarked in the boats, went on board the Grampus, and sailed for the John Adams.

Question. Had you received any information on board the John Adams of Mr. Platt's treatment at Foxardo, previous to his making the report of the transaction to the commodore?

Answer. The account Mr. Platt gave was, I believe, the first we had of the affair.

Ques. Was any communication made to the authorities of Porto Rico previously to your entering the harbor of Foxardo?

Ans. None that I know of.

Ques. Did Captain Porter consult with any of his officers as to the expedition he projected, or did any of them express any opinion to him on the subject?

Ans. He did not consult with any of them; from the intimacy that subsisted between Commodore Porter and myself, I believe I made some remarks to him as to the consequences that might probably result from it, and I think he replied that his instructions would bear him out in the course he intended to pursue on the occasion.

This was a voluntary suggestion by me, not called for by his expressing any wish to consult me.

Ques. What orders did you receive from Captain Porter previous to, or at the time of your landing?

Ans. The only orders that I received were those which I have mentioned, and that I should take care the men were not out of the way, and that they committed no excesses.

Ques. How were the men armed? Were the guns loaded?

Ans. They were armed with muskets, bayonets, cutlasses, pistols, and boarding pikes. The guns were loaded on the beach before we marched up.

Ques. Was any flag or communication sent to the shore before you landed?

Ans. None; Lieutenant Stribling landed with us. The boat sent to spike the guns on the hill went previously to our landing.

Ques. Did you advance towards Foxardo before the return of the flag sent by Lieutenant Stribling, or did you remain on the beach till his return?

Ans. We advanced before the return of the flag.

Ques. Were the guns spiked before the return of the flag?

Ans. Yes; none were spiked after.

Ques. What orders were given by Commodore Porter to the officers remaining on board the vessels?

Ans. I do not know.

Ques. Were the Grampus and Beagle anchored in such a situation as to enable them to cover the landing?

Ans. Yes; the Beagle certainly was—the Grampus also.

Ques. Was any opposition offered to your landing, or to your advance towards the town?

Ans. None; the impression was, the force on the hill would, had they been able, have fired on the vessels, but there was no opposition to our landing.

Ques. What time would it have required to communicate from your anchorage with St. John's?

Ans. The distance, I should presume, is about forty or fifty miles.

Ques. Is not St. Johns the seat of government of Porto Rico?

Ans. Yes; the governor of the island resides there.

Horatio N. Crabbe, a lieutenant in the marine corps of the United States, being duly sworn according to law, deposes and says:

I was commanding officer of marines on board the John Adams in November last. I landed at Foxardo in the same boat with Lieuenant Stribling, and on getting on the beach, an officer informed me that Commodore Porter, who had previously landed, wished to see me. My command was distributed in different boats. On reaching the place on the beach were the commodore was, I was directed by him to form my guard, look for the road to the town, proceed, and take up a favorable position; and at the same time received very particular instructions not to suffer my men to commit any outrages upon the property of the inhabitants along the road; nor to commit any act of hostility myself, unless I met with resistance, or was opposed on my march towards the town. After receiving these instructions, I commenced my march towards the town, with from twenty-four to twenty-eight men, armed with muskets. When about half way between the beach and the town, I discovered several persons approaching me, following me with a white flag. I could not at the time distinguish who they were, and continued my march. After a short time I discovered that the bearer was Lieutenant Stribling, on his way from the beach to the town. I halted till he came up. As he passed me, I observed to him that I would escort him into the place; he answered very well. After proceeding a short distance further, he was met by a number of persons from the town, bearing a white flag also. I was at that time from twenty to thirty yards behind him. Immediately on his reaching the spot where these persons were standing, I observed that Lieutenant Stribling was surrounded by a number of armed men. After some conversation with them, of which I knew nothing, he sent a message to me, requesting me not to advance any further. I accordingly halted the men, and rested them upon their arms. I was at this time from about two hundred and fifty to three hundred yards from the town, perhaps less, and observed that there was a number of armed men drawn up, as I presumed, to prevent my troops from entering the place. They amounted perhaps to about three times as many men as I had, and had a field piece, which I presumed was a six pounder. There was also a number of men mounted on horseback, who were armed with swords. They were at the entrance of the town. I remained in the position I had taken up, until the commodore came up with a body of seamen. He halted them some distance in the rear of my division, and came himself to the ground I occupied, and directed me to wheel my men into a position which would face the Spaniards. I did so, and again rested them upon their arms. In the course of perhaps fifteen minutes, Lieutenant Stribling was observed returning, accompanied by the governor of the place, and a small number of the inhabitants. I was then directed by Commodore Porter to place my men in a situation that would occupy both sides of the road, and suffer none but those in attendance on the flag to pass me. After this he returned to where the officers were assembled, some distance in the rear of the marines, and there received the governor or alcalde. I know nothing of what occurred there, they being at too great a distance to hear. In a short time I observed the governor, with Commodore Porter and a number of the officers, approaching me. The commodore gave me orders, as he passed, to put the marines in motion, and follow him into the town, which I did. After passing the armed Spaniards, I halted upon the outskirts of the place. The commodore observed to me that he had been invited into the place by the governor, and also the men, to take some refreshments, after the march, but said at the same time that he did not wish to bring all the men in, as he apprehended that some excesses might be committed, which would put an end to the peaceable settlement of the business. He, however, told the governor, through the intepreter, that if refreshments were sent to the beach they should be paid for. After that they parted, as I thought on friendly terms, and we left the town, and returned to the boats. I brought up the rear with the marines. A number of the inhabitants accompanied us down. Refreshments were sent and

distributed to the men. We then embarked, and returned to the vessels. Commodore Porter, with the marines, and the alcalde, entered the outskirts of the place, but none proceeded further.

The court adjourned till 2 o'clock to-morrow.

FRIDAY, *May* 6.

The court met pursuant to the adjournment of yesterday. Present: as before, with the exception of Captain Porter, who was not present.

Lieutenant Platt was again called:

Question. How far is the place where the John Adams was left at anchor from Foxardo?

Answer. About twenty-two miles.

Ques. At what hour did you leave the John Adams, and at what hour did you arrive at Foxardo?

Ans. We left the John Adams at midnight, and arrived at half-past seven or half-past eight.

Ques. To what nation does the Island of St. Thomas belong?

Ans. It is a Danish island.

Ques. When you left the John Adams, at what time did you calculate to reach Foxardo?

Ans. The intention of the commodore was to reach Foxardo at sunrise, as he informed me; we were detained by light winds, and a calm.

Ques. Were the two nine-pounders taken and spiked by the marines, or by the sailors who came up afterwards? and describe as nearly as you can their position.

Ans. I was ordered by the commodore to spike them; I informed him I had nothing to spike them with, and Mr. Pendergrast was then ordered to do it; the marines had passed them. They were placed in the road, on a causeway, where the road was straight for about one hundred rods, and commanded that part of it; there were no Spaniards there at that time, they had abandoned them; but they had been manned on my first visit to the place. The guns on the hill were, I understood, long eighteen-pounders.

Ques. Were both the Grampus and Beagle anchored in a position to cover the landing?

Ans. The Grampus was anchored off the battery; the Beagle in a situation to cover the landing.

The judge advocate informed the court that he should probably be in possession of more testimony to submit to-morrow, but had none to lay before the court at this time.

The court adjourned till twelve o'clock, to-morrow.

SATURDAY, *May* 7.

The court met pursuant to the adjournment of yesterday. Present: all the members of the court, the judge advocate, and Captain Porter. The judge advocate informed the court that he had received a communication from the Secretary of the Navy, to be submitted to the court, which was read, annexed to the record, and marked G.

The accompanying documents were also read; the court reserving all questions, as to their competency and credit, for future deliberation and decision. After reading the papers, the court was cleared, and the court proceeded to deliberate upon the papers submitted to it; and, after having maturely considered the same, the court was opened, and the judge advocate stated that the court is of opinion that the deposition of Lieut. Barton, dated February 6th, 1825, be annexed to the record, which is accordingly done, and the paper is marked 7.

In regard to the other documents, the court is of opinion that many of them are not sufficiently authenticated to authorize their reception, without an express and sufficient waiver of all exceptions entered on the record; that some of them appear to be of a confidential character, and their contents such as, without affecting this case, ought not to be exposed to the public eye without necessity; and that, collectively, they present no facts or views calculated to elucidate the subject submitted to the court. The court, therefore, directs the judge advocate to return them to the Navy Department, as irrelevant.*

The court adjourned till half-past ten o'clock on Monday morning.

MONDAY, *May* 9.

The court met pursuant to the adjournment of Saturday. Present: all the members of the court, the judge advocate, and Captain Porter.

The judge advocate stated to the court that he had no further testimony to submit to the court in the investigation; and the other branch of inquiry having been submitted to the court, at his solicitation

The court was cleared, and proceeded to deliberate upon the course to be pursued; and after some time was opened, and the judge advocate stated that the court had determined to proceed to complete the business which had already been investigated, and to report to the Department the facts which have been proved in relation to it.

The record of the proceedings was then read by the judge advocate, and the court was cleared, for the purpose of deliberating upon the report to be made to the Department.

The court having concluded the examination of the witnesses, and having maturely deliberated on the precept, and the evidence which has been submitted, agree in the following report:

The court, in obedience to the precept of the honorable the Secretary of the Navy, having examined into the conduct of Captain David Porter, in landing with a part of the military force under his command upon the Island of Porto Rico, a part of the dominions of his Catholic Majesty the King of Spain, on or about the fourteenth day of November, in the year one thousand eight hundred and twenty-four; and having also inquired into the causes which led to the same; and having maturely deliberated upon the testimony which has been laid before the court, reports to the honorable the Secretary the following statement, as containing a correct history of the transaction, embracing all the material facts, and exhibiting the causes which led to the occurrence, as well as the circumstances which attended it.

It appears that Lieut. Charles T. Platt, commanding the United States schooner Beagle, was in the harbor of St. Thomas, in the Danish island of that name, on the twenty-fourth day of October, one thousand eight hundred and twenty-four. On the preceding night, a robbery had been perpetrated in the city of St. Thomas; the store of Messrs. Cabot & Baily, American citizens, but resident merchants of St. Thomas, had been broken open and plundered of property to a large amount. The gentlemen who had

*It appears by the statement of Captain Porter, as well as of his clerk, that the letter from him referred to in the letter, was dated March 6th, instead of May 6th, by a mistake of the clerk. R. S. COXE, *Judge Advocate.*

suffered by this outrage made application to Lieut. Platt for his aid in the recovery of the property. He immediately agreed to comply with the request.

No communication appears to have been had between Lieutenant Platt and the authorities of St. Thomas, in relation to this affair. The application for his assistance was made by private individuals, and upon that application alone he acted.

Information was given to Lieut. Platt, that on other occasions robberies of the same kind had occurred at St. Thomas; and the stolen goods had been traced to, and discovered at Foxardo, (a small town in the Island of Porto Rico,) or its vicinity, and that there existed grounds for the suspicion that the goods plundered in this case had been carried to that neighborhood.

As soon as the Beagle could be got ready, she sailed for that place. No document of any kind from the governor, or other officer, was carried, but a letter from a private mercantile house at St. Thomas, addressed to a private merchant at Foxardo, was the only paper which Lieut. Platt appears to have had to show the object he had in view, or any authority to act in the business. The contents of that letter are unknown to the court, it not having been exhibited in evidence. The Beagle, however, carried from St. Thomas a Mr. Bedford, a clerk in the house of Messrs. Baily and Cabot, for the purpose of identifying the goods, and a pilot, furnished by the same parties.

On the evening of the 26th October, about 6 o'clock, the Beagle anchored, with her colors flying, in the harbor of Foxardo. It was considered too late to visit the shore on that day; early in the morning of the 27th, a boat from the shore came on board, bearing a messenger from the captain of the port, and Lieut. Platt received an invitation to land. The messenger, in answer to a question from Lieut. Platt, stated in general, that he knew what vessel it was. In order to guard against any mistake, Lieut. Platt mentioned that it was the United States schooner Beagle, and sent a message to the captain of the port, to inform him that he should be on shore as soon as possible.

At about half-past six he landed, without his uniform or commission, and after some little interruption proceeded to the town, and waited upon the captain of the port, to whom he communicated the object of his visit. He at the same time informed him of the name and character of his vessel, the names of himself and officers, and their force, of which the captain of the port took a memorandum; the private letter from the mercantile house at St. Thomas to the merchant at Foxardo was likewise produced and exhibited. The captain of the port appeared satisfied with the information, and by his directions Lieutenant Platt next called upon the alcalde of the place, to whom he made the same communication. The alcalde expressed himself pleased with the prudence exhibited by Lieut. Platt in landing in the dress of a citizen,

The object of Lieutenant Platt appears to have been to give information of the robbery that had been perpetrated at the Island of St. Thomas, and to solicit the interference of the civil authorities at Foxardo, in searching for and recovering the stolen goods. The alcalde promised this assistance as requested, but declined a proposal made by Lieutenant Platt, that he should accompany the officers of the police to search the stores in the town.

Lieutenant Platt left the house of the alcalde, and went to a public house. Shortly after breakfast, he received a message from the alcalde, expressing a wish to see him. He immediately went, accompanied by Lieutenant Ritchie and the pilot. On his arrival, he inquired of the alcalde whether he had sent for him, and for what object. The captain of the port replied that he had sent for him for the purpose of demanding his register. Lieutenant Platt stated to them that he had no register, that a man-of-war carried no such document; that he had previously offered to show his commission, his uniform, and his colors. The reply was, that, unless he produced his register at once, he should be imprisoned. He requested permission to go on board his vessel, with an officer that might be selected to accompany him, whom he would satisfy with regard to his own character, as well as that of his vessel. He at the same time informed them he should make a formal report to Commodore Porter of the insult he had received.

Lieutenant Platt then left the house of the alcalde, and proceeded towards the harbor, with the intention of going on board the Beagle; he was, however, immediately followed by some soldiers, collared, arrested, brought back, and placed under charge of a sentry. After Lieutenants Platt and Ritchie and the pilot had been detained about an hour, Mr. Bedford, the clerk brought from St. Thomas, was permitted to go on board the Beagle, with instructions from Lieutenant Platt to bring his commission and uniform, On their being brought to him, he put on his uniform and exhibited his commission; the latter, after an examination of it, was pronounced a forgery, and he himself called a damned pirate.

Orders were then given to carry him to the King's house or jail; and he was taken from the house of the alcalde for that purpose. On approaching near enough to see what kind of a place it was, he refused to go in, and declared that he would not enter, unless compelled by force.

He was soon taken back to the alcalde, and after being threatened with detention until a communication could be made to St. John's, the capital of the island, and about 40 miles distant, he was informed that he had not exhibited any appointment to the vessel which he commanded. He sent on board for his orders, and after producing them, a consultation was held. They continued to detain him confined until near sunset, when he was released, ordered to go on board his vessel, which he did, insulted by the rabble of the place as he passed along.

Such is the summary of the statement now given by Lieutenant Platt of his first visit to Foxardo, and the reception he experienced, although more detailed than his written report, and in some material parts variant from it. It appears to the court that the circumstances which were related to Captain Porter, in the conversations which he had with Lieutenant Platt, together with his written report, may be considered as embracing all "the causes which led to the conduct of Captain Porter," which it is enjoined upon the court to report to the Department.

The next branch of the subject into which the court is directed to inquire, is the conduct of Captain Porter in landing with a military force under his command upon the Island of Porto Rico.

It appears that, immediately after receiving the report of Lieutenant Platt of his visit to Foxardo, and the treatment he had there received, Captain Porter determined to visit that place for the purpose of obtaining redress for the violence which had been offered to the person of that officer, and the insult which he conceived had been given to the flag of the United States.

It appears that Captain Porter did not communicate with the constituted authorities of Porto Rico, or require any explanation of, or apology for, the alleged outrage, before proceeding to the harbor of Foxardo.

At midnight of the 13th November, the John Adams was left at her anchorage in the neighborhood

of Passage Island, and Captain Porter, in the Grampus, having in tow the boats of the John Adams, and accompanied by the Beagle, carrying with them about one hundred men from the John Adams, proceeds to Foxardo. His progress being delayed by light winds and a calm, he did not reach his point of destination until about 8 or 9 o'clock in the morning of the 14th. The Grampus anchored opposite a battery of two guns, and the Beagle took a position to cover the landing. Preparations were immediately made to land, and the boats were manned; a battery was perceived on an eminence near the beach, in which were two pieces of cannon, and the Spaniards were seen with matches, and in the act of loading the guns, and training them in the direction of the Grampus.

Lieutenant Pendergrast was ordered to take the launch of the Grampus, being the largest boat, with a body of marines, fourteen in number, under the command of Lieutenant Barton, to proceed in the direction of the two gun battery; to land the men with as little hazard as possible; to take the battery, spike the guns, and destroy the ammunition; and having accomplished these objects, to pursue the direction of the main body under the command of Captain Porter in person.

Lieutenant Pendergrast was particularly ordered not to fire a gun, unless he met with resistance, and not to permit his men to commit any depredations on persons or property. These orders appear to have been punctually obeyed. Perceiving that the Spaniards in the battery were training their guns to bear upon the Grampus and the launch, Lieutenant Pendergrast hastened to effect a landing in the rear of the fort. This was accomplished with such dispatch, that the Spaniards were unable to fire. Having succeeded in landing in the rear of the battery, the detachment, armed with muskets, pistols and cutlasses, mounted the hill, and on reaching the battery, found it deserted by the Spaniards. Possession was quietly taken, and two long eighteen-pounders found there were spiked. One of the guns was charged with a cartridge of powder, and round shot, and the canister filled with grape shot, musket balls and spikes;—the gun primed and a lighted match near it. The other gun had been abandoned before the loading was completed. A small quantity of ammunition found in the battery was destroyed;—the party re-embarked, and proceeded to join the commodore, who had in the meantime landed on the beach at the distance of about half a mile from the battery.

The whole number landed appears to be about two hundred officers and men, armed with muskets, bayonets, pistols, cutlasses, and boarding pikes.

The muskets were loaded after landing on the beach. The marines, under Lieutenant Barton, were left to guard the boats. Another party of them was ordered by Captain Porter to march towards the town, and take up a commanding position. The officer who led them, Lieutenant Crabbe, was particularly instructed to keep his men in their respective places; to prevent them from committing any excesses upon the property of the inhabitants along the road, and to abstain from all acts of hostility, unless he should be attacked, or his advance towards the town should be opposed.

In obedience to these orders, Lieutenant Crabbe proceeded towards the village of Foxardo, with from twenty-four to twenty-eight men under his command. The beach where the landing was effected, was about a mile and a half from the town. When about half way from the beach, Lieutenant Crabbe discovered Lieutenant Stribling following him bearing a white flag. As soon as he had approached near enough to be recognized, the marines were halted. Lieutenant Stribling came up with, passed them, and proceeded towards the town. The marines followed at a short distance in his rear. Lieutenant Stribling was soon after met by a party from the village, likewise bearing a flag, and some cummunications passed between them, which, however, are not in evidence before the court. Lieutenant Stribling dispatched a message to Lieutenant Crabbe, then about thirty or forty yards in his rear, desiring him not to advance further. The marines were then halted at about from two hundred and fifty to three hundred yards from the village. About the same time a number of armed men, perhaps sixty or seventy, were seen, stationed near the entrance of the town, with a small cannon, supposed to be a six pounder, and a number of horsemen armed with swords.

Having disposed of the marines in the manner that has been stated, Captain Porter advanced towards Foxardo with his main body. On the way up, they spiked two nine-pounders which the Spaniards had abandoned, and which were in a position to have commanded a part of the road. These guns had been passed by the marines without their taking possession of them. Captain Porter continued his march till he arrived about thirty yards in the rear of the marines, where he halted his men—and advanced himself to the force under the command of Lieutenant Crabbe. The marines were then wheeled so as to front the Spaniards.

In the course of a few minutes, the flag was seen returning from the town, and Lieutenant Stribling, accompanied by the alcalde, the captain of the port, and some of the inhabitants, approached. The marines were directed to occupy both sides of the road, and to permit none to pass, excepting those who were in attendance on the flag. Captain Porter retired to the rear, near the main body, and, accompanied by his officers, received the alcalde.

In the conversation which then took place, the alcalde admitted having detained Lieutenant Platt, after knowing him to be an American officer, but alleged that he had been forced to act by others. Captain Porter informed him that he alone must be held responsible, and that he must make such an apology as should be dictated; that the period allowed him for deliberation had nearly expired; that but five or seven minutes remained of the time. That a refusal to make such an apology as was required, would compel him to resort to arms—the consequences of which would be the destruction of the village. The proposition was acceded to: the apology was dictated by Captain Porter, and made as required. The officers present were asked whether they were satisfied, and replied in the affirmative.

The alcade then invited Captain Porter into the town with some of his officers, and Lieutenant Crabbe and his marines; he accompanied the Spaniards towards the village, but did not go beyond the outskirts—when they returned to the beach, where they were supplied with refreshments by the Spaniards, re-embarked, and proceeded to join the John Adams.

The foregoing statement, embracing, as the court conceives, every important fact disclosed in the progress of this investigation, is respectfully submitted.

(Signed) I. CHAUNCEY, *President.*

(Signed,) RICHARD S. COXE, *Judge Advocate.*

MAY 9, 1825.

The report having been signed, the judge advocate was instructed to communicate the record to the Secretary of the Navy, with the accompanying letter, annexed to the record and marked H.

The court adjourned till 11 o'clock, to-morrow morning.

U. S. SHIP JOHN ADAMS, *Passage Island, November* 15, 1824.

SIR: I have the honor to inform you that, on my arrival at St. Thomas, I was informed that Lieutenant Commandant Platt, of the U. S. schooner Beagle, who had visited Foxardo, a town on the east side of Porto Rico, about two miles from the sea, for the purpose of making inquiries respecting a quantity of dry goods, supposed to have been deposited there by pirates, was, after being recognized as an American officer by the proper authorities, there imprisoned and shamefully treated.

Indignant at the outrages which have so repeatedly been heaped on us by the authorities of Porto Rico, I proceeded to this place, where I left the ship, and taking with me the schooners Grampus and Beagle, and the boats of the John Adams with Captain Dallas and part of his officers, seamen, and marines, proceeded to the port of Foxardo, where, finding preparations were making to fire on us from the battery on shore, I sent a party of seamen and marines to spike the guns, which was done in a few minutes, as the Spaniards fled on the landing of the party. I then landed with two hundred men, and marched to the town, spiking on the way the guns of a small battery placed for the defence of a pass on the road, and reached the town in about thirty minutes after landing; I found them prepared for defence, as they had received information from St. Thomas of my intentions of visiting the place. I halted about pistol shot from their forces, drawn up on the outskirts of the town, and sent a flag, requiring the alcalde or governor, with the captain of the port, the principal offenders, to come to me to make atonement for the outrage, giving them one hour to deliberate. They appeared accordingly, and after begging pardon (in the presence of all the officers) of the officer who had been insulted, and expressing great penitence, I permitted them to return to the town, on their promising to respect all American officers who may visit them hereafter. We then returned to the vessels, and left the harbor, after being at anchor three hours.

As we were getting under way, a number of persons appeared on the beach, bearing a white flag, and having with them some bullocks and a number of horses apparently laden, no doubt a present from the authorities of the place, which they informed me they should send me.

There is no doubt that our persons and our flag will be more respected hereafter, than it has been by the authorities of Porto Rico.

Every officer and man on this occasion, conducted themselves in a manner to meet my entire approbation.

I have the honor to be, very respectfully, your most obedient servant,
(Signed) D. PORTER.

The Hon. SAML. L. SOUTHARD, *Secretary of the Navy, Washington.*

NAVY DEPARTMENT, *May* 2, 1825.

I certify that the foregoing is a correct copy from the original on file in this Department.
(Signed) CHA'S HAY, *Chief Clerk.*

U. S. SHIP JOHN ADAMS, *Thompson's Island, January* 1, 1825.

SIR: I have the honor to transmit you copies of the statements made to me, which induced me to take the step I did, as regards the Spanish authorities at Foxardo.

I have the honor to be, very respectfully, your obedient, servant,
(Signed) D. PORTER.

Hon. SAMUEL L. SOUTHARD, *Secretary of the Navy.*

NAVY DEPARTMENT, *May* 2, 1825.

I certify that the above is a correct copy from the original on file in this Department.
(Signed) CHA'S HAY, *Chief Clerk.*

No. 3.

ST. THOMAS, *November* 12, 1824.

SIR: I have the honor to inform you that the store of Cabot, Baily & Co. was broken open on the night of the 24th ult., and property to a considerable amount stolen, and having strong reasons to believe that the robbery was committed by a gang of thieves who harbored in the Island of Porto Rico, I communicated the same to Captain Platt, of the United States schooner Beagle, who very promptly offered to go there in pursuit of them, and started for Foxardo on the morning of the 25th with a pilot which I furnished him, and a young man from the counting house, with a description of the goods, and a letter of introduction to Mr. Juan Campos, from one of the most respectable houses in this place, and well known in that quarter. The manner in which Captain Platt was received and treated has no doubt been communicated to you by him.

I beg leave to enclose a letter from Messrs. Bergeest and Whlhorn, confirming the facts of the late robberies in this island, having in most instances been traced to the quarter of Porto Rico where Captain Platt went.

I have the honor to be, sir, with great respect, your most obedient servant,
(Signed) STEPHEN CABOT, *U. S. Consular Agent.*

To Com. DAVID PORTER.

NAVY DEPARTMENT, *May* 2, 1825.

I certify that the foregoing is a correct copy of an enclosure contained in a letter from Commodore D. Porter to the Secretary of the Navy, dated 1st January, 1825.
(Signed) CHA'S HAY, *Chief Clerk.*

No. 4.

St. Thomas, *November* 11, 1824.

Sir: At the request of our friend, Mr. Stephen Cabot, we beg leave to state to you some facts relative to the robberies lately committed on this island.

Our own store, and amongst others, those of our neighbors, Messrs. Ellis, Gibson & Co., John Kettle, Esq., Robert Alexander, Esq., Saubot Zoubert & Co., were forcibly broken open, property to a very large amount stolen, and a considerable part of the goods traced to Naguabo, near Foxardo; in consequence of which, and the circumstance that, about ten days previous to the robbery committed in the store of Messrs. Cabot, Baily & Co., a gang of desperate thieves made their escape from the prison of the city at Porto Rico, as also that every search had been made here on shore, as well as in the harbor, and nothing discovered, except that the goods stolen had been carried off by the sea side, induced us to recommend to those gentlemen sending down a person to Foxardo, as being probably the means of tracing the robbers.

Desirous of assisting our friends, Messrs. Cabot, Baily, & Co., in this object, we gave one of their clerks, and whom we understood was to go down in the United States schooner Beagle, a letter of recommendation to our friend, Mr. Juan Campos, in Foxardo, who had on former occasions of the same nature been the means of discovering the property and perpetrators; namely, in the case of Messrs. Ellis, Gibson & Co., and our own.

We have the honor to be, with sentiments of the highest regard, sir,

your obedient, humble servants,

(Signed) BERGEEST & WHLHORN.

To Commodore David Porter.

Navy Department, *May* 2, 1825.

I certify that the foregoing is a correct copy of an enclosure contained in a letter from Com. D. Porter to the Secretary of the Navy, dated 1st January, 1825.

(Signed) CHAS. HAY, *Chief Clerk.*

No. 5.

United States Schooner Beagle, *St. Thomas, November* 11, 1824.

Sir: At 10 in the morning of the 26th October last, I received intelligence th t the American consul's store had been forciby entered on the preceding night, and robbed of goods to the amount of $5,000. With this report, the American consul requested me, provided it would prove consistent with my duties, to sail in quest of those whom it was supposed had clandestinely left the harbor the night preceding in a small boat, and generally believed by those acquainted in St. Thomas, to have proceeded to the port of Foxardo, on the east end of Porto Rico. I directly gave the necessary orders to prepare for sea; having received a good pilot on board, I was enabled by noon to proceed in quest of the marauders.

Standing along the south side of Crabb Island, I discovered a sloop in Settlement Bay; boarded her, and received information of a piratical sloop-rigged boat to leeward, that had been for some time past infesting the coast. This information induced me to alter my course, and steer for the west end of Crabb Island. At 10 A. M. discovered a sloop beating to windward, and the small sloop-rigged boat standing from the land; at 10.50 fired a shot to bring the sloop to; at 10.55 fired again; she hove about and stood for the land; spoke the sloop from St. Croix, bound to St. Thomas; made all sail for the sloop boat which run into ——— Bay, and her crew abandoned her. At 11.50 came to, and took possession of the deserted boat; at 11.55 made sail, and stood for the southeast end of Porto Rico; at sunset, came to in the harbor of Foxardo.

On the morning of the 27th, a creole visited me from the shore, who bore an invitation from the commandant to me to visit him. At 7 A. M., in company with Lieutenant Ritchie, the pilot, and the consul's clerk, I landed. For our better success, we appeared in the character of citizens; on my reaching the shore, the register of my vessel was demanded; I explained the object of my visit, and the policy of appearing in disguise. This, however, proved of no avail—I was not allowed to proceed to Foxardo. Supposing that the person who made these demands had no authority to detain me, I, in company with Lieutenant Ritchie, proceeded to the port of Foxardo, and explained, in the most satisfactory manner, to the captain of the port, the object of my visit, and produced a private letter from Mr. Cabot, American consul, to a merchant in that place, in relation to the service in which we were engaged.

Having observed the necessary forms and ceremonies with regard to the captain of the port, we then waited upon the alcalde, and further acquainted him with our mission, &c., who proffered us every assistance. Having made a few inquiries in some of the retail stores, which had an immediate tendency to bring to light any who may have been engaged in this traffic, we received a positive order to proceed to the alcalde's house, where we were also received by the captain of the port, who damned us as pirates, and requested of me register, papers, &c. I stated I possessed no register; I carried no papers, other than my commission, and that of my officers; we were seized as culprits, and conveyed to prison. To satisfy them of my real character, of which they pretended they had no positive proof, I consented, though repugnant to my feelings, to have my commission sent me. After its production, they declared it a forgery, and again remanded us to prison, declaring he would not release us until he had heard from St. John's. I then demanded to know what was further required; the reply was, "Your appointment as lieutenant commandant of that vessel is what you must produce."

I at first hesitated, and would not comply; but not wishing on my part to commit any action which might have a tendency to disturb the harmony existing between our respective governments, I produced my appointment as lieutenant commandant. A council of officers was called, with other citizens of the place, who, after having heaped upon us the most shameful outrages, permitted us to depart on board.

I have the honor to be, very respectfully, your obedient servant,

CHARLES T. PLATT.

To Commodore David Porter, *U. S. Navy.*

NAVY DEPARTMENT, *May* 2, 1825.

I certify that the foregoing is a correct copy of an enclosure contained in a letter from Commodore D. Porter to the Secretary of the Navy, dated 1st January, 1825.

(Signed) CHAS. HAY, *Chief Clerk.*

No. 6.

NAVY DEPARTMENT, *February* 1, 1823.

SIR: You have been appointed to the command of a squadron fitted out under an act of Congress of the 20th December last, to cruise in the West India seas and Gulf of Mexico, for the purpose of suppressing piracy, and affording effectual protection to the citizens and commerce of the United States. Your attention will also be extended to the suppression of the slave trade, according to the provisions of the several acts of Congress on that subject; copies of which, and of the instructions heretofore given to our naval commanders thereon, are herewith sent to you. While it is your duty to protect our commerce against all unlawful interruption, and to guard the rights, both of person and property, of the citizens of the United States, wherever it shall become necessary, you will observe the utmost caution not to encroach upon the rights of others; and should you at any time be brought into discussion or collision with any foreign power, in relation to such rights, it will be expedient and proper, that the same should be conducted with as much moderation and forbearance, as is consistent with the honor of your country, and the just claims of its citizens.

Should you in your cruise, fall in with any foreign naval force, engaged in the suppression of piracy, it is desirable that harmony and a good understanding should be cultivated between you; and you will do everything on your part, that accords with the honor of the American flag, to promote this object. So soon as the vessels at Norfolk shall be ready for sea, you will proceed to the West Indies, by such route as you shall judge best, for the purpose of effecting the object of your cruise. You will establish at Thompson's Island, usually called Key West, a depot, and land the ordnance and marines to protect the stores and provisions; if, however, you shall find any important objection to this place, and a more suitable and convenient one can be found, you are at liberty to select it as a depot.

You will announce your arrival and object to the authorities, civil and military, of the Island of Cuba, and endeaver to obtain, as far as shall be practicable, their co-operation; or at least their favorable and friendly support, giving them the most unequivocal assurance, that your sole object is the destruction of pirates.

The system of piracy, which has grown up in the West Indies, has obviously arisen from the war between Spain and the new governments, her late provinces in that hemisphere, and from the limited force in the islands, and their sparse population, many portions of each being entirely uninhabited and desolate, to which the active authority of the government does not extend. It is understood that establishments have been made by parties of these banditti, in those uninhabited parts, to which they carry their plunder, and retreat in time of danger. It cannot be presumed that the government of any island will afford any protection or countenance to such robbers. It may, on the contrary, confidently be believed that all governments, and particularly those most exposed, will afford all means in their power for their suppression.

Pirates are considered, by the law of nations, the enemies of the human race. It is the duty of all nations to put them down; and none who respect their own character or interest will refuse to do it, much less afford them assistance and protection. The nation that makes the greatest exertions to suppress such banditti, has the greatest merit.

In making such exertions, it has a right to the aid of every other power, to the extent of its means, and to the enjoyment, under its sanction, of all its rights in the pursuit of the object. In the case of belligerents, where the army of one party enters the territory of a neutral power, the army of the other has a right to follow it there. In the case of pirates, the right of the armed force of one power, to follow them into the territory of the other, is more complete. In regard to pirates, there is no neutral party; they being the enemies of the human race, all nations are parties against them, and may be considered as allies. The object and intention of our government is to respect the feelings, as well as the rights of others, both in substance and in form, in all the measures which may be adopted to accomplish the end in view. Should, therefore, the crews of any vessels which you have seen engaged in acts of piracy, or which you have just cause to suspect of being of that c aracter, retreat into the ports, harbors, or settled parts of the islands, you may enter, in pursuit of them, such ports, harbors, and settled parts of the country, for the purpose of aiding the local authorities, or people, as the case may be, to seize and bring the offenders to justice, previously giving notice that this is your sole object. Where the government exists, and is felt, you will in all instances respect the local authorities, and only act in aid of, and co-operation with them; it being the exclusive purpose of the government of the United States to suppress piracy; an object in which all nations are equally interested; and in the accomplishment of which, the Spanish authorities and people will, it is presumed, cordially co-operate with you.

If, in the pursui of pirates found at sea, they shall retreat into the unsettled parts of the islands, or foreign territory, you are at liberty to pursue them so long, only, as there is reasonable prospect of being able to apprehend them, and in no case are you at liberty to pursue and apprehend any one after having been forbidden so to do, by competent authority of the local government. And should you on such pursuit apprehend any pirates upon land, you will deliver them over to the proper authority, to be dealt with according to law, and you will furnish such evidence as shall be in your power to prove the offence alleged against them. Should the local authorities refuse to receive and prosecute such persons so apprehended, on your furnishing them with reasonable evidence of their guilt, you will then keep them safely and securely, on board some of the vessels under your command, and report without delay to this Department the particular circumstances of such cases. Great complaints are made of the interruption and injury to our commerce, by privateers fitted out from Spanish ports. You will endeavor to obtain from the Spanish authorities a list of the vessels so commissioned, and ascertain how far they have been instructed to intercept our trade with Mexico and the Colombian republic; impressing upon them, that,

according to the well settled rule of the law of nations, the United States will not consider any portion of coast upon the Gulf of Mexico, as legally blockaded, except where a naval force is stationed, sufficient to carry into effect the blockading order or decree; and that this government does not recognize the right or authority of Spain to interdict or interrupt our commerce with any portion of the coast included within the Columbian republic or Mexican government, not actually blockaded by a competent force.

All the United States ships and vessels of war in the West Indies, of which a list is herewith enclosed, are placed under your command, and you will distribute them to such stations as shall appear to you best calculated to afford complete protection to our commerce, in which you will embrace the object of protecting the convoy of specie from Vera Cruz, and the Mexican coast generally, to the United States. Keep one vessel at least upon this service, to be at, or near, Vera Cruz during the healthy season of the year, and to be relieved as occasion shall require, both for convoy of trade, and to bring specie to the United States—confining the transportation to the United States only. You will be particularly watchful to preserve the health of the officers and crew under your command, and to guard, in every possible manner, against the unhealthiness of the climate; not permitting any intercourse with the shore where the yellow fever prevails, except in cases of absolute necessity.

Wishing you good health, and a successful cruise, I am, very respectfully, &c.

(Signed) SMITH THOMPSON.

Commodore DAVID PORTER, *Commanding U. S. Naval Forces, West Indies.*

NAVY DEPARTMENT, *May* 2, 1825.

I certify that the foregoing is a correct transcript from the records of this Department.

(Signed) CHAS. HAY, *Chief Clerk.*

No. 7.

MARINE BARRACKS, *Allenton, Thompson's Island, February* 6, 1825.

I, Thomas B. Barton, first lieutenant of marines in the service of the United States, and commanding the marines on this station, do make the following statement of facts, in relation to the proceedings of Commodore David Porter, commander-in-chief of the naval forces of the United States, in the West Indies, &c., at Foxardo, in the Island of Porto Rico, in the month of November, 1824.

The United States schooner Grampus, bearing the broad pendant of Commodore Porter, with the United States schooner Beagle in company, arrived in the harbor of Foxardo on the 14th November, 1824, about 8 o'clock, A. M. I was a passenger in the Grampus. Both vessels entered the harbor with the United States ensign displayed. We had scarcely let go our anchor, which was done directly opposite a two gun battery on the summit of a hill, elevated perhaps eighty feet above the level of the ocean, when I perceived twenty or more men in the battery, loading and training the guns in the direction of the Grampus. I soon after received orders through Lieutenant Sloat, commander of the schooner, to be in readiness to command the marine guard attached to her, fourteen in number, and to proceed in the launch, the largest boat of the Grampus, with Lieutenant Pendergrast, her first lieutenant.

The latter officer received the following orders, in substance, from Commodore Porter, in my presence: To proceed in the direction of the two gun battery, directly opposite, and land the men under his command at as little hazard as possible. To take the battery, spike the guns, and destroy the ammunition; and then pursue the direction of the main body under the command of the commodore in person. Lieutenant Pendergrast was particularly ordered not to fire a gun, unless he met with resistance; and not to permit the men to commit any depredation upon persons or property.

We then pulled off from the Grampus, in a direction for the battery, and perceiving that they were training their guns, one to bear on the Grampus, and one on our launch, we made the best of our way to effect a landing in the rear of the fort, which we succeeded in doing in so short a space of time, that they could not bring the gun to bear on us, which they were using every exertion to do.

Having succeeded in landing in rear of the battery, we mounted the hill with muskets, pistols, and cutlasses, and discovered the works to be that moment deserted by the Spaniards. We took quiet possession, and found two long eighteen pounders, one of them charged with a cartridge of powder and round shot, and a canister filled with grape shot, musket balls, and spikes, the gun primed, and a lighted match placed near it. The other gun was partly charged, but was deserted before the loading of her was completed.

Agreeably to orders, we spiked the guns with files; and finding one or two charges of powder, and a canister with grape, musket balls, and spikes, alongside one of the guns, the ammunition was destroyed.

After having secured the battery conformably to orders, we re-embarked in our launch, and proceeded to the direction of the main body, which had landed near the road leading to the town of Foxardo.

After we reached the landing, I was ordered by Commodore Porter to remain with a guard under my command, to protect the boats during his absence with the main body; and I was particularly ordered to permit no man of my guard, upon any consideration, to commit depredations upon the inhabitants or their property, which order was obeyed.

(Signed) THOS. B. BARTON, *Lieutenant Commanding Marines.*

Sworn before me this 7th of February, 1825.

(Signed) JNO. R. MIFFLIN,

A Justice of the Peace in and for the County of Monroe, Territory of Florida.

B.

GENTLEMEN OF THE COURT: Before you proceed to investigate the subject submitted to you, allow me to make a few remarks on the character of the precept which authorizes your forming yourselves into a court, and the nature of the duties which it imposes on you.

As regards the first charge against me, submitted to your investigation, I have nothing at present to say; the Secretary of the Navy having preferred it against me, he has a perfect right to couch it in whatever language may appear to him most proper to obtain the end he has in view. The mere statement of the charge, however forcible the terms, is no proof of my guilt; and it remains for me to oppose to it the proofs I have in my possession; sufficient, I trust, to show that my conduct in landing in a hostile manner on the shores of Porto Rico was not only justifiable, but praiseworthy.

It is, however, a duty I especially owe to myself and to others under my command, to notice the manner in which the second subject is submitted to your investigation, to wit, the carrying of specie, &c. You will perceive that it is admitted in the precept, that the investigation of this subject is ordered at my particular request, and this being the case, it would seem but just that the request should be complied with, according to its terms.

My request, as contained in my letter to the Secretary of the Navy of the second of March, is in the following words:

"Having this day seen in a print, several letters from Mr. Thomas Randall and Mr. John Mountain, communicated through the State Department to Congress, and highly injurious to the character of myself and other officers belonging to the West India squadron, I have to request that an inquiry may be instituted, to ascertain how far facts will justify their statements and remarks, and the injurious remarks they have elicited on the floor of Congress."

You will perceive, by a perusal of the precept, that your attention is not directed to the inquiry asked for by me. You find nothing said of the particular documents referred to, or the persons named in my application; you are not directed to inquire how far facts will justify *their statements and remarks, and the injurious remarks they have elicited on the floor of Congress.* You are, in fact, not directed to extend the inquiry, so as to ascertain how far others, as well as myself, were implicated in transactions, which, if true, were highly disreputable to all concerned; but you are simply required to ascertain whether the naval force in the West Indies and Gulf of Mexico *was* employed to the best advantage; whether it was not employed in the transportation of specie, and in other objects of inferior moment, to the neglect of the public interest. I beg you to compare the charge as it stands in the precept, with my request, and say if you can find the slightest resemblance between them. I am not very particular as to the manner in which this charge has been worded; but, as some of the vessels under my command have been "employed in the transportation of specie, and (perhaps) in other objects of inferior moment," all of which, I trust, my orders from the Secretary of the Navy made necessary, your decision, in the negative or affirmative, can therefore have no bearing on the innocence or guilt of myself, and those under my command. The question, had it been submitted to you as was intended by me, would have been simply this: Have Captain Porter and the officers of the West India squadron basely neglected their duty, and sacrificed the public interests, as charged by Messrs. Randall and Mountain; and do they deserve the strictures which have been passed on them on the floor of Congress?

The question, as it now stands in the precept, may require you to investigate the propriety of the orders issued from the Navy Department, but its decision can have no bearing on the conduct of those who acted in obedience to them. My motive in asking for this inquiry, was for the sole purpose of justifying myself, and others under my command, against the charges of Messrs. Randall and Mountain, and the illiberal remarks they gave rise to. I had no wish to pry into the conduct or motives of the Secretary of the Navy, or to implicate him by any investigation touching his official conduct. I have never doubted the propriety of the orders he gave me; nor do I doubt it now—but, as the question submitted to you stands, the result must necessarily be a decision as to *their* propriety; a decision I have never asked for, and with which I have nothing to do. To me it matters little, whether the orders I acted under were in conformity with the laws for the suppression of piracy or not; it is only necessary for my justification to show, that I acted in strict obedience to the orders I received; let those who issued them, if there is anything wrong in them, answer for the rest.

Messrs. Randall and Mountain are understood to have said, that myself, and others under my command, have neglected the duties which were confided to us, to the discredit of the navy and the nation, to the injury of the property, and to the sacrifice of the citizens of the United States, for the sole purpose of benefiting ourselves, by the transportation of specie. If what those gentlemen say of us is true, we are not only unworthy of holding commissions in the navy, but are deserving the severest punishment a court-martial can sentence us to receive; and if we are not guilty, we should not only be pronounced innocent, but our slanderers and calumniators should be exposed to the world as men unworthy of confidence.

It becomes then a question of character between them and us. If they prove their charges, they deserve well of their country for exposing us, and we must sink, and deservedly; if we acquit ourselves of them, they will no longer be worthy of consideration.

The question then should have been submitted to you in all its bearings, in strict conformity with the language of the request which produced the order for the inquiry; and had this been done, you would have been able to have come to a satisfactory conclusion; but confining yourself to the subject as presented to you in the precept before you, there can be no decision touching the point at issue, between Messrs. Randall and Mountain, and myself and others.

I have taken the liberty to make these remarks at this early period, with the hope that you would, by applying to the Secretary of the Navy, obtain a revision or modification of the precept, so as to enable you to reach the object which induced me to ask the inquiry; or, at least, that such measures might be taken, as may seem to you expedient, to enable you to effect the purpose which caused me to make the application for an investigation of the truth of the charges.

I beg the court to be persuaded that these remarks, and this request, originated in no wish to embarrass, or throw difficulties in the way of the inquiry; but from a sincere desire that the accusers may have every opportunity of proving their charges, and the accused the advantage of rebutting them; that truth may be made known, and justice obtained, the only end and object, it is presumed, of the investigation. I beg leave to state further, that it was not my intention to make, under any circumstances whatever, objections to any member whom the Secretary of the Navy might think proper to order on this

court, and I should now waive all objections was my conduct alone the subject of inquiry; but since the Secretary has chosen, by the same precept, to submit to you charges against me, originating with myself, and the investigation of the conduct of myself and others, asked for by me, it is a duty I owe to others, to guard by every means in my power against a decision injurious to them.

It has not escaped your observation, there are two members of this court junior to me. This, however, at first sight, may not by many be considered a reasonable ground of objection, as the act for the better government of the navy only requires three commissioned officers, and a judge advocate, to constitute a court of inquiry; but I think it must be apparent, that the intention of the framers of the law was, that with the exception of the difference of the members which compose them, courts of inquiry should be formed, regulated and governed on the same principles as courts-martial.

A court-martial may consist of from five to thirteen members; but it is required that not more than one-half of the members, if it can be avoided, shall be junior to the officer tried. This rule, no doubt, was intended to prevent the interested feeling of the junior members from operating to the prejudice of the officer to be tried, and the same rule should in justice govern courts of inquiry; courts of inquiry having the same power to summon witnesses, administer oaths and punish contempt, it was evidently designed that they should be similarly constituted. By every rule and principle of justice, the accused should be tried by disinterested juniors, or at least a majority of them.

Will it be contended that, because the law requires three commissioned officers to constitute a court of inquiry, that three commissioned officers, from any of the subordinate classes, would be a sufficient court to investigate and report on the conduct of the commander of a squadron? Lieutenants, pursers, chaplains, surgeons, and I believe surgeons' mates, are commissioned officers; but surely it will not be asserted that a sufficient court for the investigation of my conduct could be formed of these classes. It was, therefore, evidently designed, that only such commissioned officers as may legally sit on a court-martial can sit on a court of inquiry,—should not only be similar in their organization, but also formed of the same materials as courts-martial.

With this view of the subject, I feel that I should do not my duty to others, *considering the fearful odds I have to contend against*, if I did not submit to the court whether, with a majority junior to myself, it can legally proceed to investigate my conduct. That the court is formed agreeably to the letter of the law, I cannot deny, nor could I, were it formed of any of the subordinate classes I have mentioned. But whether it is formed according to its *spirit* and *intention*, and *on principles of justice*, is the question I beg leave to submit to you.

C.

NAVY YARD, *Washington, May* 2, 1825.

SIR: I am instructed by the court of inquiry, convened to investigate the conduct of Captain David Porter, to inform you that the court was this day duly organized, in pursuance of the precept in the case, and that after the members were duly sworn, Captain Porter read to the court a certain paper herewith transmitted for your consideration. You will perceive that an exception is taken to the court itself, as not composed of competent members.

This objection applies to a majority of the court, and they consequently feel a delicacy in determining a question involving their own competency. The court, therefore, has deemed it correct, to submit the questions thus raised, to your determination; and to adjourn the court for the purpose of obtaining your opinion, before proceeding in the investigation.

Very respectfully, your obedient servant,

RICHARD S. COXE, *Judge Advocate.*

The Hon. SAMUEL L. SOUTHARD, *Secretary of the Navy.*

D.

NAVY DEPARTMENT, *May* 3, 1825.

SIR: Your letter of yesterday's date, communicating the paper submitted to the court by Captain D. Porter, has been received.

If it was the intention of Captain Porter to present a challenge, or offer a specific legal exception, to any member, the proper tribunal for its decision was the court itself—the proper time was before the members were sworn.

If, as is presumed, he designed to complain of the manner in which the court was composed, as unjust or illegal, he ought, before the meeting of the court, to have applied to the Department, which alone possessed the power of affording a remedy.

A copy of the precept, stating the names of the officers who were to compose the court, and the object of inquiry, was furnished to him on the 20th day of April last.

As, however, you have deemed it correct to "submit the questions raised" by Captain Porter, to "my determination," it is proper to add, that the opinion of the Department as to the legality of constituting the court with three captains, of the same rank with Captain Porter, one being senior, and two junior, to himself, was necessarily expressed in the very act which created and convened the court; and no argument is discovered, in the paper submitted, calculated to change that opinion.

As it is not supposed that the court possesses the power to decide on the form of the precept, the objects for which it should have been convened, or those into which it would be proper to inquire, the reason and design of the comment which is made on the form and words of the precept are not distinctly perceived, and may be totally misapprehended.

If its form seemed incorrect to Captain Porter, or not calculated to meet the objects which he had in asking for an inquiry, the Department, which alone possessed the power to alter the form of the precept, and change the scope of the investigation, ought to have been addressed on the subject.

The President of the United States having thought proper to order an investigation into the trans-

actions at Foxardo, it was the duty of the Department so to frame the precept as to meet that object; and it is believed that the court will find no difficulty in comprehending what is directed on that point.

The inquiry relating to some other parts of the conduct of Captain Porter, while commanding the squadron in the West Indies, was granted at his request, and was intended to be so general, as to permit him the utmost latitude in proving what had been his conduct on any particular point which he might select; and showing that he was free from all just cause of accusation, by whomsoever made. If the words be not sufficiently broad to permit such an investigation, they would heretofore have been promptly extended, at his request, and no difficulty will now be made should he so request it, in so directing the court as to accomplish his object. The defect on this point, if one exist, is not perceived.

It was not the intention of the Department, at the suggestion or solicitation of Captain Porter, to direct the court to inquire into the conduct of other officers, of whose actions the Department saw no cause to complain; who had not asked for any inquiry; and for whom, it was not perceived that he had any authority to demand it.

Much less was it the intention of the Department, on an inquiry asked by him, to submit to the court the legality or the propriety of the orders given to him; nor is it believed that the precept can bear any such construction.

With this view of the matters contained in the papers submitted, the Department has only to direct, that the court, constituted as it is, proceed to make the inquiry directed by the precept.

I am, respectfully, yours, &c., &c.,

(Signed) SAM'L L. SOUTHARD.

RICHARD S. COXE, Esq.,

Judge Advocate of the Naval Court of Inquiry, at the Navy Yard, Washington.

E.*

GENTLEMEN OF THE COURT: Before proceeding to the examination of any witness in my defence, I must beg leave to enter my protest against the decision of the Secretary of the Navy as regards the legality of the formation of the court. A question of law and justice, on which the court *either* from *incompetency* or delicacy are unwilling to come to a decision, should not be decided on by the officer with whom the *illegality* and *injustice* complained of is supposed to have originated. A question of the importance of the one submitted to you, I was impressed with a belief, at the time of presenting it, would be, and am still of the opinion should be, submitted to the Attorney General of the United States, if the court from any cause, was unwilling to take the responsibility on itself. And, in order that I may not be supposed to have given my assent to any circumstance, which by any tribunal hereafter, may be supposed to vitiate the legality of your proceedings, I must beg leave to decline taking any part whatever in this investigation, until the question I have submitted to you is decided on by competent authority—a question not originating in any captious disposition on my part to create difficulties, as it would appear, from the quotation in the Secretary's letter, is supposed to be the cause, but from a sincere desire that every proceeding in the case should be conducted according to the strictest principles of law and justice.

If an error, as is intimated, was committed in point of form, in the time taken to state my objection, the court will no doubt recollect that the error did not originate with me. I apprised the members assembled before its formation of my intention, and adopted the time suggested to me by the judge advocate. But even if an error had been committed by me merely in point of form, is it just, considering all circumstances, that the *party opposed to me should avail itself* of this error to my disadvantage, when no intimation whatever of the error was made to me, at any time, either by the court, or its law adviser?

That I did not apply to the Department before the meeting of the court, to remedy the evil complained of, scarcely needs an explanation; *if it does, you have it now in the decision of the Secretary.*

I feel it due to myself, in making this protest, to place on the record my reply to the intimation, that the precept would have been changed, on my application, before the meeting of the court.

You have already been made acquainted with the language used in my application for the investigation sought for by me; it is therefore unnecessary to repeat it. The Secretary, in what purports to be his reply, dated on 16th of March, states as follows:

"It has become my duty to apprise you of the determination of the Executive, that a court of inquiry will be formed, as soon as circumstances will permit, to examine into the occurrence at Foxardo, which was the occasion of your recall, and also to comply with the request contained in your letter of the 8th inst."

I must observe that I understood the Secretary to mean by the letter of the 8th my letter of the 2d, as I never made any request to him in any letter of that date, relating to the subjects submitted to you. Confiding in the assurance of his reply, I was greatly surprised at the wording of the precept, and I must leave you to decide whether, after it had been issued, the court was not the proper medium through which I was bound to communicate with the Secretary.

I will further remark that, in the letter accompanying the precept, the Secretary, from some objections to the style of my letter, thought proper to remind me of the relation which subsists between me and the Department. And not willing that offence should in future be taken when none was intended, or to incur a similar reproof when none was deserved, I thought it safest, on my own account, that all my communications should, in future, be made to you, and through you.

E.†

GENTLEMEN OF THE COURT: Before proceeding to the examination of any witness in my defence, I must beg leave to enter my protest against the decision of the Secretary of the Navy, as regards the legality of the formation of the court.

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*As with the objectionable matter underscored by the court. †As presented by Captain Porter.

A question of law and justice on which the court, either from incompetency or delicacy, are unwilling to come to a decision, should not be decided on by the officer with whom the illegality and justice complained of is supposed to have originated. A question of the importance of the one submitted to you, I was impressed with a belief, at the time of presenting it, would be, and am still of the opinion should be, submitted to the Attorney General of the United States, if the court from any cause was unwilling to take the responsibility on itself. And, in order that I may not be supposed to have given my assent to any circumstance which, by any tribunal hereafter, may be supposed to vitiate the legality of your proceedings, I must beg leave to decline taking any part whatever in this investigation, until the question I have submitted to you is decided on by competent authority—a question not originating in any captious disposition on my part to create difficulties, as it would appear, from the quotation in the secretary's letter, is supposed to be the case, but from a sincere desire that every proceeding in the case should be conducted according to the strictest principles of law and justice.

If an error, as is intimated, was committed in point of form, in the time taken to state my objection, the court will no doubt recollect that the error did not originate with me. I apprised the members assembled before its formation of my intention, and adopted the time suggested to me by the judge advocate. But even if an error had been committed by me, merely in point of form, is it just, considering all circumstances, that the party opposed to me should avail itself of this error to my disadvantage, when no intimation whatever of the error was made to me, at any time, either by the court or its law adviser?

That I did not apply to the Department before the meeting of the court, to remedy the evil complained of, scarcely needs an explanation; if it does, you have it now in the decision of the Secretary.

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I must observe that I understood the Secretary to mean by the letter of the 8th, my letter of the 2d, as I never made any request of him in any letter of that date relating to the subjects submitted to you. Confiding in the assurance of his reply, I was greatly surprised at the wording of the precept, and I must leave you to decide whether, after it had been issued, the court was not the proper medium through which I was bound to communicate with the Secretary.

I will further remark that, in the letter accompanying the precept, the Secretary, from some objections to the style of my letter, thought proper to remind me of the relation which subsists between me and the Department; and not willing that offence should in future be taken when none was intended, or to incur a similar reproof when none was deserved, I thought it safest, on my own account, that all my communications should in future be made to you, and through you.

F.

WASHINGTON, *May* 5, 1825.

GENTLEMEN OF THE COURT: Having carefully perused the paper commented on by the court, on account of which it is thought proper to pass censure, and not being able to detect in it a single expression which bears the construction the court has thought proper to place on it, I cannot consent, by any alteration on my part, to admit that by it any disrespect was intended by me, either to the court or the head of the Navy Department; and it is the cause of great surprise to me that the court should have entertained such an opinion.

The court having thought proper to underscore, as disrespectful, the word *incompetency*, as used by me in relation to it, I beg to state distinctly that the word was not used in regard to intellectual incompetency, and in no other sense could it be offensive; but with respect to its legal incompetency, (in the opposite sense in which the court itself applied the word competency,) which was supposed to be admitted when the subject was referred to the Secretary for his decision. Delicacy I did not conceive to be the only motive for the course taken by the court, as I did not believe it a sufficient and satisfactory one; being under the impression that it was the duty of every officer to perform the service confided to him, however delicate, provided it be legal.

The declining to make a decision on my first application, and referring the subject to the Secretary of the Navy, was, as I supposed, an admission of the incompetency of the court to decide, or a voluntary relinquishment of its right, if it possessed it; a right which, I am of opinion, the court cannot again resume after the opinion of the Secretary is, at its request, made known.

If the court had the right to decide in the first instance, no delicacy should have prevented its decision; but relinquishing its right, I am under the impression it cannot resume it to decide now as to its legality, and I cannot acquiesce either in *its* power to decide, the propriety of the decision it has come to, or the rule it has established with regard to the course it has thought proper to adopt towards me.

If I am not permitted to appear before the court on terms of perfect equality with my accusers, whoever they be, and to defend myself in the way which may appear to me the most proper, (always observing due respect to the court and the Secretary,) I must, in justice to myself, decline offering any defence, which may be liable to be weakened by an interposition on the part of this or any other tribunal.

With this remark I beg leave to adhere to the determination expressed in the paper on which the court has animadverted with so much, and I think with such undeserved, severity.

I have the honor to return to the court a copy of the paper commented on, underscored, and marked by it as objectionable, together with a copy as it was submitted by me to the court.

I have the honor to be, with sentiments of the highest respect,

the court's very obedient servant,

D. PORTER.

The *President and Members of the Court of Inquiry, now in session.*

G.

NAVY DEPARTMENT, *May* 7, 1825.

SIR: I received, yesterday, from Captain David Porter, a letter transmitting a number of papers which he designates as "original letters and depositions, respecting transactions at Foxardo, and the piratical character of the place." His letter is dated, no doubt by mistake, "March 6, 1825."

It is supposed to be the wish of Captain Porter, that these papers should be laid before the court of inquiry for its consideration. They are therefore, with a copy of his letter, enclosed to you for that purpose.

I also enclose, for the same purpose, certain papers in the Spanish language, received through the Department of State from Mr. Salmon, Charge des Affaires of the government of Spain, in this country. They are accompanied by translations.

I am, respectfully, sir, your obedient servant,
(Signed) SAM'L L. SOUTHARD.

RICHARD S. COXE, Esq., *Judge Advocate, present.*

H.

NAVY YARD, *Washington*, *May* 9, 1825.

SIR: I am instructed by the court to transmit to you, agreeably to the directions of the precept, the report of the result of the investigation which has been made into the conduct of Captain David Porter, in landing with an armed force on the Island of Porto Rico, in November last.

Having no evidence to lay before the court, in regard to the second branch of the investigation directed to be made, and Captain Porter having declined taking any part in the investigation, and entered his protest against the competency of the court, I am also instructed to inform you that it has nothing before it at this time, and has adjourned until to-morrow morning, at 11 o'clock.

Very respectfully, your obedient servant,
(Signed) RICH'D S. COXE, *Judge Advocate.*

The Hon. SAMUEL L. SOUTHARD, *Secretary of the Navy.*

I certify that the foregoing is a true copy of the record of the proceedings in the foregoing case on file in this department.

CHAS. HAY, *Chief Clerk.*

NAVY DEPARTMENT, *July* 6, 1825.

PROCEEDINGS OF THE COURT OF INQUIRY, IN RELATION TO THE TRANSPORTATION OF SPECIE.

TUESDAY, *May* 10.

The court met pursuant to the adjournment of yesterday. Present: all the members of the court, and the judge advocate. No answer having been received to the communication made yesterday to the Secretary of the Navy, the court adjourned till to-morrow morning, at 11 o'clock.

WEDNESDAY, *May* 11.

The court met pursuant to the adjournment of yesterday. Present: all the members of the court, the judge advocate, and Captain Porter. The judge advocate submitted to the court a communication from the honorable the Secretary of the Navy, which was read, annexed to the record, and marked I, and sundry documents accompanying it. The reading of the documents was continued until half after three o'clock, when the court adjourned till 10 o'clock to-morrow morning.

THURSDAY, *May* 12.

The court met pursuant to the adjournment of yesterday. Present: all the members of the court, the judge advocate, and Captain Porter. The court proceeded in the reading of the documents, and continued reading the same until three o'clock, when the court adjourned till to-morrow morning at half-past 10 o'clock.

FRIDAY, *May* 13.

The court met pursuant to the adjournment of yesterday. Present: as before. The judge advocate read and submitted to the court sundry orders from Captain Porter, during his command, annexed to the record.

The court proceeded to the examination of Thomas Randall, Esq., who, being duly sworn, according to law, deposes and says:

Question. In what public capacity did you visit the Island of Cuba, in the year 1824? when did you arrive there? and how long did you remain?

Answer. The official duties enjoined upon me, on going to the Island of Cuba, were various. The principal related to reclamations, to be made on the authorities of the island, arising out of captures made by privateers from Porto Rico and Porto Cabello; appeals in which cases had been carried up to courts in the Island of Cuba. I was also charged with demanding certain papers and documents from the authorities of the island, to be used before the commissioners under the Florida treaty. I held also the appointment of commissary (a separate one) for demanding the archives and accounts under the Florida treaty. I was also charged with certain confidential duties, which it is unnecessary to mention, as they have no relation to the present subject of inquiry.

The instruction contained in the printed document contains all that I received from the government on the subject of piracy, and was considered wholly incidental, not forming one of the objects of my visit. I arrived at Havana on the 3d May, 1824, and sailed from the island on or about the 9th of November, to the best of my recollection. I was upon the island during the whole of that period, with the exception of about a week, consumed in a voyage to Matanzas, via Key West, in the schooner Terrier.

Ques. Do the printed documents shown you contain your dispatches to the government?

Ans. Yes; there may be some verbal inaccuracies, but, with that exception, they contain all I wrote upon the subject of piracy to any one.

Ques. At the time you were in the Island of Cuba, were you acquainted with the instructions under which Commodore Porter was acting?

Ans. No.

Ques. From what source did you obtain the information you communicated? were they official or private?

Ans. The sources were various: sometimes from casual conversations; sometimes from one gentleman; sometimes from another. My object was to obtain such information as I could rely upon, from whatever quarter it could be had. I endeavored to exercise a discriminating judgment as to the credit which was to be given to the sources from which the information was obtained; and I believe that I have usually stated to the government the amount of credit to which the different facts which I communicated, were, in my opinion, entitled. The information was spontaneously communicated to me, conceiving it to be a subordinate part of my business; and being very much occupied, and sometimes sick, I did not search for information upon this head. I did not conceive it to be my duty to search for information regarding the navy; but I conceived it my duty, when facts came to my knowledge, to report them.

Ques. During the period of your stay in Cuba, in what description of vessels did the pirates usually go to sea?

Ans. Generally, I believe, in open boats; sometimes in boats, I believe partially decked—calculated either to row or sail, or both; sometimes in schooners of a larger class.

Ques. Were these vessels calculated for a small draft of water, and were the places from which they could put out and take refuge, numerous, and difficult to find along the coast of Cuba?

Ans. Such was the information communicated to me, from sources which I deemed authentic.

Ques. Could any naval force, however numerous or vigilant, ensure safety at all times from these pirates, without the active aid of the authorities on shore?

Ans. I have given a deliberate opinion upon that subject, in my communication to the government, which remains unchanged, but rather confirmed by information subsequently received.

Ques. During the spring and summer of 1824, how many vessels were under the command of Commodore Porter? where were they employed, and in what service respectively?

Ans. I cannot say; I know nothing of the vessels, except from their occasional visits to Cuba, while I was there, and causual conversations of the officers attached to them. I knew no other way of their being under the command of Commodore Porter after his return to the United States.

Ques. During your stay in Cuba, what American men-of-war, according to your recollection, touched at the island?

Ans. While I was at Havana, the John Adams arrived on the 4th May, reported to be last from Matanzas, and sailed about the 6th for the Bay of Mexico. The schooner Wild Cat arrived from Matanzas on the 24th May bound to Key West. The steam galliot, with Commodore Porter, arrived on the 12th May, from Matanzas, and sailed, I believe, for the same place, on the same evening. May 31st, the Terrier arrived from the same place. On the 16th June, the Spark, reported from Tampico and Alvarado, and sailed on the 22d for New York. July 7th, the Grampus arrived off the Moro, reported from the Bay of Mexico, and sailed on or about the 8th, for New York. July 10th, the Terrier arrived from a cruise after pirates, and sailed the same day. July 12th, the John Adams arrived from the Bay of Mexico, and sailed the 18th, for Philadelphia. On the 20th, one of the small schooners arrived; I did not ascertain which. On the 29th, the Terrier was in the port—August 3d, she was in port: whether she had been out in the interim, I cannot say. On the 4th, I sailed in her for Matanzas, via Key West, for benefit of my health. I think I returned about the 30th August to Havana, in the steamboat. The Fox arrived September 15th, reported from Tampico, and sailed on the 19th, I believe, for the United States. On the 17th September, the Weazel arrived from the United States, via Barbadoes, bound to Tampico, as reported. The 23d, the Ferret, from Key West, for medical aid. October 13th, the Porpoise arrived from the coast of Africa. On the 16th, the Hornet arrived, last from St. Jago. The Shark arrived, I think, about the 4th November, reported from the Bay of Mexico; I think from Alvarado and Tampico. She had also previously arrived from the United States, on her way to the Bay of Mexico, date not recollected. There may have been other arrivals and departures without my knowledge; but I have a memorandum from my journal of those which I have stated.

Ques. How many, and which, of these vessels carried specie? what amount? where from? and where bound, as you understood at the time?

Ans. I am uninformed in most of the cases of any particulars as to the amount of specie. I learned generally that most of the vessels arriving at Havana from the ports in the Bay of Mexico, had specie on board on freight. Captain Gallagher, of the Shark, reported to me that he had $127,000 to be delivered at Havana and in the United States. My impression is that Captain Dallas informed me he had some specie, the amount I do not recollect. Lieutenant Ritchie gave me the same information, I think, in regard to his vessel. I heard, also, that the Spark carried specie.

Ques. If there is any information which you possess, other than that you have communicated, calculated to elucidate the subject before the court, will you be good enough to state it?

Ans. I do not at present recollect anything in particular. It may, perhaps, be proper to mention, as my impression, that some of the information I obtained relative to the transaction of specie, was derived from Mr. Mountain, the vice consul, and acting in the room of Mr. Warner, the consul, in whose office the negotiations, relative to the transportation of specie, were sometimes transacted in my presence.

Ques. Do you know of any shipments of specie being made by any of the vessels from Havana?

Ans. I do not recollect any particular instance, except that I am under the impression that Captain Gallagher informed me he had received on board the Shark some additional specie at that place. I have also a general impression that when vessels were about sailing from Havana to the United States, additional sums were put on board them there. I returned to the United States in the Shark.

William B. Finch, a master commandant in the navy of the United States, being duly sworn according to law, deposes and says:

Between November, 1823, and the autumn of 1824, I acted as captain to the squadron under the command of Commodore Porter. The orders in the order book, in my handwriting, were the general orders which were circulated through the squadron. I considered the squadron employed, during the whole period that I was with it, in conformity with the instructions received from the Department. The suppression of piracy and the protection of commerce appeared to be the particular objects in view. Some vessels were occasionally dispatched for the special purpose of suppressing the slave trade. The vessels which went down the gulf, and carried specie, as well as my recollection serves me, were the John Adams, Captain Dallas; the Grampus, Lieutenant Commandant Sloat; the Weazel, Lieutenant Commandant Boarman; the Jackall, Lieutenant Commandant Lee; the Fox, Lieutenant Commandant Ritchie; the Weazel, Lieutenant Commandant Zantzinger. All had orders, as I believe, to receive specie, in subordination to the general duties of the squadron. This was part of the routine in the service. The Shark, Lieutenant Stevens, went from the United States direct to that quarter, with agents from the Bank of the United States. This was, I believe, the only instance in which the carrying specie was the special object. According to my opinion all the force was employed which the circumstances of the case required for the suppression of piracy. When we left Matanzas, about the middle of June, for the United States, I do not think there was any appearance of piracy remaining in that quarter, and a sufficient force was left there to keep it down. Two small schooners, the Ferret and the Terrier, were left under the command of Lieutenants Farragut and Paine, with a barge, to look after pirates, and to keep open the communication between Thompson's Island and Cuba. In the then state of things, I thought that force as competent to effect the object as a larger one could have been. I think such was the disposition and feeling of the officers, that if any course had suggested itself as calculated to effect the suppression of piracy, it would have been mentioned to Commodore Porter; but none better calculated to attain that end, was, as I believe, thought of. I believe that it was the universal opinion of the officers, that the force under the command of Commodore Porter could not have been more efficaciously employed.

When I returned to the United States, the Sea Gull alone came; the two vessels mentioned were left there, and other vessels of the squadron would be occasionally arriving at Thompson's Island from different quarters, where they had been cruising.

The court adjourned till half-past ten o'clock, to-morrow morning.

SATURDAY, *May* 4.

The court met pursuant to the adjournment of yesterday. Present: as before.

A. J. Dallas, a master commandant in the navy of the United States, being sworn according to law, says:

Question. In what capacity did you serve in the squadron under the command of Commodore Porter, and during what period of time?

Answer I was master commandant, in command of the John Adams, from some time in November, 1823, till the month of February, 1825, when we arrived in the United States.

Ques. On what service were you employed during that period? Produce such orders and instructions as you received.

Ans. From February, 1824, when we left the United States, until May 2d, 1824, when Commodore Porter, with his family, left the John Adams, that vessel bearing his broad pendant, had been engaged in cruising in the West Indies, say from St. Barts to Key West, running down through the islands. The particular object of this cruise was the destruction of all the pirates, and piratical establishments, as well on the ocean as on shore, that we could meet with. The letter from Captain Porter, of April 8th, 1824, contains a correct history of the cruise till its date. In that letter, Commodore Porter, speaks of a small schooner which had taken shelter among the Colorados reefs; this being the only vessel of a suspicious character which we saw during the period of time that he was with me. I will state the circumstances which occurred in relation to her.

On making the schooner, the commodore at once pronounced her to be of a piratical character, and directed me to haul into the reef and to prepare two quarter boats; his anxiety then induced him to ascend the mizen rigging; on seeing her get under way, we ran the ship into three fathoms water on the reef. Finding it dangerous to go further, the boats were lowered down and sent in pursuit.

They were absent some short time, but finding the schooner was getteng away from them they were recalled. On their return to the ship, we made sail in company with the convoy, as many as ten or twelve vessels, and proceeded to Thompson's Island. Immediately on our arrival at the island, an expedition was fitted out under the command of Captain Wilkinson, composed of the Sea Gull and three barges, two of which were manned and officered from the John Adams. They were directed to proceed, as I understood, in search of the vessel we had seen at the Colorados reef. After some considerable absence, they returned without having been able to detect the vessel, but with information from the shore of her piratical character. Captain Wilkinson's report of the expedition is dated April 24, 1824. Shortly after their return, I was directed to get under way and proceed to Matanzas. The commodore and his family still on board. Off Matanzas, on the 2d May, I received the order of that date, (read and annexed.) Lieutenant Lee, in company with Lieutenant Legare, in the Jackall and Wild Cat, in consequence of the failure of the expedition sent after the schooner, and the information communicated by Captain Wilkinson of which I have spoken, were dispatched by the commodore to Cape Cartouche where the said schooner was supposed to have sailed to fit out. After performing the duties assigned to them, Lieutenant Lee, in the Jackall, was to join me at any point in the Gulf of Mexico which I might direct. I think I directed him to meet me at Alvarado. As relates to the cruise directed in my orders of May 2d, these orders were fully performed, with the exception of touching at Campeachy; my reasons for not going there, were, that I ascertained that my vessel would be obliged to anchor about 25 miles from the land, and the Jackall was about going there, which I considered as superseding the necessity of my visiting that place. I therefore crossed the bank of Yucatan, and went down to Tampico, going as near to Cape Cartouche as I could.

I remained a very short time at Tampico, about three days, when I sailed for Vera Cruz. I arrived at about 9 o'clock off the Castle of St. Juan de Ulloa, and hove to for the night. In the morning finding that a strong current had carried me considerably to the eastward, I concluded to stop off Alvarado, where I remained some few days. At each of these places that I visited, I offered convoy to American vessels, but there were none at the time who required it

I left Alvarado in a few days, and proceeded to the Island of Sacrificios, near Vera Cruz. Finding nothing to detain me there, after remaining about thirty-six hours, I returned to Tampico. On my route to Alvarado, I fell in with Lieutenant Lee, whom I left at that place.

On my last visit to Tampico, I remained eight or ten days, and received on board from Mr. Robinson, then partner of the American consul, and since holding himself that office, $104,000 in specie; of this about $70,000 was destined to Philadelphia, and the residue to be delivered at Havana. After receiving that money on board, and not considering my cruise as having expired, I sailed for Vera Cruz, when I met with a small English brig of war, from which I received information of some piratical acts that had been committed near a lake called Terminos, on the main near the head of the gulf, where it was said that pirates had retreated after making a capture. On receiving this information, I immediately got under way and proceeded to Alvarado, where I requested of the commandant of marines one of the Mexican gunboats as a loan, not having myself any small vessel, and the draft of the John Adams being too great to permit my approach to the lake. He loaned me the baat, when I officered and manned her. The second night after sailing from Alvarado towards the lake, the gunboat in company, the wind blowing fresh, I was informed by Lieutenant Grimke, who was in command of her, that the mast was sprung. On examination I found myself obliged to return with her to Alvarado, where I delivered her over again to the commandant from whom I had procured her; requesting our consul Mr. Taylor, in case he found that the accident had occurred while the boat was in our possession, to have it replaced.

Having thus lost so much time, and aware of the impossibility of doing anything with the John Adams alone, from her being unable to approach the shore, I concluded that, as the time had expired which had been allowed for my cruise, to return to the Havana; I arrived at Havana July 12th, and sailed, I think, on the 15th, for Matanzas, where I expected to receive orders from Commodore Porter. I got my orders there, directing me to proceed immediately to New York. On receiving these orders, I wrote to him the letter, (read and annexed,) and sailed for Philadelphia, where I arrived about the 26th of the same month. After refitting at Philadelphia, and the ship being reported ready for sea, an order was received from Commodore Barron, directing me not to proceed to sea until further orders. An order, dated October 22d, from Commodore Porter, was received, directing me to be ready to proceed immediately to sea on his joining the ship.

The day after receiving the order, late in the evening, Commodore Porter arrived at Newcastle; early the next morning he came on board, and we proceeded to sea. We arrived at St. Bartholomews early in November. After remaining there a short time we proceeded to St. Thomas; from thence to Passage Island; and thence to Foxardo, where the circumstance happened, which I have already fully detailed. From thence we coasted the islands down, examining all the places that were suspicious, or which we supposed might shelter pirates of any description—particularly the Island of Cuba, where I do not think that from Cape Maze, on the easternmost end of the Isle of Pines, and the Jardines on the south side at the west end of Cuba, there was a single creek, inlet or bay, of any size or description, which was not carefully examined; the ship being, during the day, from a mile and a half to two miles from the shore, and the boats constantly engaged in the examination. From thence we proceeded to the Dry Tortugas, anchoring among them, and remaining there two or three days. Thence we proceeded to Thompson's Island. After being some time at Key West, we received a report that some piracies had been committed. An expedition was fitted out, consisting of two barges, manned and officered from the John Adams, and under the command of Lieutenant Grimke. These boats left Thompson's Island and joined the Sea Gull, on board of which was the commodore, at Havana. On board the Sea Gull was also a part of the marine guard of the John Adams. Previous to the return of the boats, Commodore Porter had received orders from the Navy Department to return to the United States. He selected the John Adams to return in. We were detained until some time in February, in consequence of the absence of the men and officers of the John Adams on the above expedition. We sailed in February, and towards the end of that month, arrived in Hampton Roads. One of the boats, officered and manned from the John Adams, did not rejoin us, previous to our sailing for the United States.

Ques. During your being in the John Adams, under the command of Commodore Porter, did you carry on freight any other specie than what you have already mentioned?

Ans. None.

Ques. Was that specie shipped entirely by American merchants?

Ans. It was shipped by Mr. Robertson, an American, and now American consul at Tampico.

Ques. What premium or freight was received on account of such transportation, and how was it appropriated?

Ans. I believe there was $1,899.99 received for the freight, the third of which was paid to Commodore Porter—the residue was my own. The portion paid to the commodore was paid pursuant to the general custom—not asked or exacted by him.

Ques. Was any time consumed at the place where this specie was received—on the passage, or at the port of delivery—in consequence of your vessel being engaged in transporting specie, which would otherwise have been devoted to the suppression of piracy?—or was the vessel in any respect diverted from the course which she would have pursued, had she not carried specie?

Ans. No; the only variation was, that the John Adams went into the port of Philadelphia, instead of New York.

Ques. Did you at any time, when, and under what circumstances, deviate from the course you would otherwise have pursued, for the purpose of taking on board, or carrying specie?

Ans. In no case. On the contrary, it was mentioned to me, that if I would wait at Tampico, or would return there, a much larger sum of money would be ready for me to carry. I have no doubt that, had I remained there, I should have carried a great deal of specie. A large convoy was expected down, and anxiety was expressed that I should remain to take the money.

Ques. Independently of the carrying of specie, did the general protection of the commerce of American citizens, and the suppression of piracies, require the presence of the vessels of the squadron in the Gulf of Mexico, as frequently as they were sent there? and at the places to which they were sent?

Ans. I have no doubt that it was so: numerous instances occurred, such as the capture and detention of American vessels and property, requiring the interposition of public vessels. About the time of my first arrival at Alvarado, the Spark gave convoy to a number of vessels, having on board specie, to the amount of more than half a million of dollars.

Ques. Were the vessels of the squadron serving under Captain Porter in the habit of giving convoy to merchant vessels belonging to the United States?

Ans. Their instructions were to offer convoy on all occasions, and it was always done when required, without leaving at too great a distance the ground where the vessels were directed to cruise.

Ques. Was everything done by the squadron under Captain Porter's orders that could be done, to the best of your knowledge and belief, to suppress piracy?

Ans. So far as my knowledge extends, everything was done that could be done: no report of piracy being committed anywhere reached us, but that Commodore Porter endeavored to dispatch a competent force to the place.

Ques. Is there any other matter relating to this inquiry, of which you possess any knowledge? If so, state it fully to the court.

Ans. I do not recollect anything further that is material.

Captain William B. Finch, again:

Question. Did you derive any advantage from the transportation of specie, by any part of the squadron under the command of Captain Porter?

Answer. I did not.

Ques. Could you be personally benefited by such transportation in the situation which you held?

Ans. I presume not: the money received for such transportation, being divided between the captain of the vessel by which it was carried and the commodore of the squadron, I had no concern in it of any kind.

Ques. Is there any other matter relating to this inquiry, of which you possess any knowledge? If so, state it fully to the court.

Ans. I know of nothing further that is material, unless it may be the letters here presented from me to him, (read and annexed.)

Stephen Cassin, a captain in the navy of the United States, being duly sworn according to law, deposes and says:

Question. In what capacity did you serve in the squadron under the command of Captain Porter, and between what periods?

Answer. I was a master commandant, commanding the Peacock from January, 1823, with Commodore Porter on board, carrying his broad pendant, and continued so for some months. After he left the Peacock, and shifted his broad pendant to the Sea Gull, I continued in command of the Peacock till, I think, December, 1823.

Ques. On what particular service were you employed during that period? Produce such orders and instructions as you received, relating in any manner to the subject of this investigation.

Ans. I went originally to sea in company with the Shark, the eight small schooners, the Grayhound, Beagle, Terrier, Wild Cat, Ferret, Weasel, Fox, Jackall, attached to the squadron, the Decoy, store ship, and the steam galliot the Sea Gull. We proceeded to St. Thomas, the place of rendezvous—we remained there a day or two. The commodore dispatched two or three of the schooners to proceed down the south side of Porto Rico, to examine the creeks and inlets on that coast. The remainder of the squadron went down the north side of the island, and communicated with the shore of the Island of Porto Rico. Thence we proceeded to Aguadilla, anchored and took in water. The Peacock then proceeded down the old Bahama Straits, in company with some of the small schooners engaged in the search after pirates and the examination of the coast. After making the south side of Cuba, we hauled over to Key Verd, where it was supposed some pirates were lurking; but finding none, returned over to the Cuba coast, proceeded down the old straits, occasionally coming to an anchor at night, keeping near the shore in the day time, engaged in the examination of the coast, and continued down till we arrived at Sugar Key, where we anchored near the shore. We here found two British men-of-war also engaged in the same object, with whom we communicated. By the orders of the commodore, we got our boats out, manned with eighty men, and, commanded by three lieutenants, proceeded down in company with two schooners inside of the reef, examining the nooks and corners for pirates, and after this proceeded to Matanzas and joined the ship. The vessel was engaged during the same time in examining and coming to an anchor at night. At Matanzas we watered. In the meantime boats were sent out on an expedition to Hidden Harbor, where it was supposed there were some pirates, but they returned without finding any. During their cruise the service was extremely arduous, the men much exposed to the sun by day, and heavy dews at night, with few or no comforts; and were much exhausted by the incessant and severe fatigue. We proceeded to Key West in the Peacock—the remainder of the squadron was dispatched in different directions, giving convoy, and searching for pirates in various quarters. We arrived at Thompson's Island about the beginning of April. Immediately after anchoring, we commenced fitting out and preparing barges, and were employed in various other duties. After the barges were fitted, I was directed to proceed with two of them of the largest class, and about eighty or ninety of my men, and two schooners (the Peacock having been laid up) to Havana. Off that place I communicated with the shore, and obtained information of a pirate having been off the Moro a day or two previous, committing depredations upon American and other vessels. It was understood to be a fast sailing schooner, the Pilot, formerly from Norfolk, which had been captured off the coast, and fitted out by the pirates. I made arrangements with Lieutenant Stribling to go in search of him, and in the meantime I remained at anchor off the Moro, for the purpose of affording protection to some vessels which were to sail the next day. Lieutenant Stribling proceeded after the pirate and captured her—as his report will show. The next morning the fleet came out. I got under way, and proceeded convoying them till I fell in with Lieutenant Skinner in the Wild Cat, under whose charge I left them, and proceeded to rejoin my boat, which I fell in with about three o'clock in the afternoon, with the Pilot in company—took the barges in tow; directed Lieutenant Stribling to continue on board the Pilot with a number of men. We returned to Havana, where I sent him in for water. On his return we proceeded in obedience to our orders to Cayo Blanco, and continued our searches in that neighborhood—proceeded down towards Cape Antonio, going about twenty or twenty-five miles a day, with the barges sounding ahead, examining the coast, through an exceedingly intricate navigation. Proceeded to Cape Antonio, and examined every nook and corner inside of the reef and Pirate Bay—famous places of resort for pirates. In running down the distance, I captured a sloop boat and a felucca boat, which had been deserted on reaching the beach—landing occasionally. I saw several wrecks of vessels that had been burned. During the whole period

the men suffered extremely, particularly from fatigue, exposure, and want of water, which we found it impossible to procure.

During the time that I was engaged in this expedition, another was out under the immediate command of the commodore, in a different direction, with which it was designed that I should co-operate.

Previous to my going through the Colorados reef, the British had attempted it with two small schooners, but were obliged to abandon the attempt as impracticable. After remaining in that neighborhood I proceeded to Thompson's Island, where I resumed the command of the Peacock, and made the report of the 28th April, which has been read.

The court adjourned till half after ten o'clock, on Monday morning.

MONDAY MORNING, *May* 16.

The court met pursuant to the adjournment of Saturday. Present: as before.

Master commandant William B. Finch, again called:

Question During the time you were with the squadron under Captain Porter, was it generally believed and understood that reports were circulated of piratical acts, which had no foundation in truth, for the purpose of distracting the attention of the squadron, or for any other, and for what purpose?

Answer. I am under the impression that many such reports were circulated that had no foundation in fact: the distracting of the attention of the squadron would be a very probable motive for raising them, but I cannot of course speak positively as to the object designed to be answered. I am also of opinion, that, had we possessed ten times the force we did, it would have been impossible to act upon all these reports, or to answer all the demands that were made.

Ques. How many well authenticated instances of piracy do you recollect to have occurred while you were with the squadron, and what was done in those instances?

Ans. I recollect but one which occurred. It was in the neighborhood of Matanzas. Lieutenant Voorhees was dispatched immediately in pursuit of the piratical vessel in the Sea Gull, and succeeded in capturing her in the course of a few hours.

Ques. Do you know anything of an Englishman who keeps a ferry in the neighborhood of Matanzas, and had you the means of knowing whether that ferry was much used by pirates, or those having intercourse with them?

Ans. I know the man, and was several times at his house: never heard of any such thing. Commodore Porter and his family resided at the place for some two or three weeks. It was in the month of May and June, 1824, that I was there, and that Commodore Porter resided there.

Ques. Had you the superintendence of the granting convoy? State the circumstances under which it was usual to grant it; and what was done.

Ans. That duty devolved on me at Matanzas. The object was to see vessels off which were leaving the port, and those into port, which were coming there. It was usual almost daily for some of the squadron to go out with those which sailed in the morning, when the wind suited, and to return in the evening, with such as were arriving. In some instances convoy was offered, but refused, rather than delay till all the vessels were ready to proceed.

Captain Stephen Cassin—in continuation:

On the 10th May sailed for Havana, in the Peacock, where we arrived on the 11th, and watered. On the 14th sailed for Vera Cruz, in pursuance of the special orders of the date of May 7th, 1823, read and annexed, and arrived on the 21st of the same month. On the 20th June sailed for Tampico, and remained there till July 9th. During these passages I gave chase to and overhauled every suspicious vessel. While in port, I considered that my presence was useful to the American commerce in that vicinity—being the only American armed vessel in that neighborhood, during a considerable part of the time. July 9th, sailed for Thompson's Island, and arrived there on the 22d of the same month. August 4th, sailed for the Havana—arrived there on the 5th, and remained there till the 9th, when I sailed for Thompson's Island, and arrived there on the 10th. From the 10th August, till September 16th, remained at Thompson's Island, during which period the officers and men were daily engaged in operations on shore—many of them taken with the yellow fever, and died daily. Commodore Porter was himself ill with the fever, and it was judged proper to send the Peacock to the United States, in company with the John Adams: arrived at Norfolk October 1st.

Captain Cassin produced some orders which he received, which were read and annexed.

Ques. While under the command of Captain Porter, did you carry any money on freight?

Ans. I did. I took on board at Tampico and Vera Cruz, altogether, about $130,000 or $140,000. The greater part was landed at the Havana; the residue, about $18,000 or $20,000, was sent home from Havana, in some of the small vessels of the squadron.

Ques. Was it shipped by American merchants, or by whom?

Ans. It was shipped by Mr. Robinson and Mr. Taylor, American agents at Tampico and Vera Cruz. I do not know who owned it; these were the persons with whom the business was transacted.

Ques. What premium or freight was received for such transportation in the Peacock, and how was it appropriated?

Ans. It was 1½ or 2 per cent. One-third of the net proceeds was paid the commodore—the rest retained by me.

Ques. Was any time consumed at the place where the specie was shipped—on the passage, or at the port where the Peacock delivered it—in consequence of her being engaged in the transportation of specie, which could otherwise have been specially devoted to the suppression of piracy?

Ans. I was at Vera Cruz during a very unsettled period, and waited there for some time for the purpose of taking specie on board, but I considered the protection afforded to American commerce was as great and as important as if I had been engaged in cruising.

Ques. Independently of the carrying of specie, did the general protection of American commerce and property, and the suppression of piracy, require the presence of the vessels of the squadron in the Gulf of Mexico as frequently as they were sent there, and at the places to which they were sent?

Ans. I think so certainly.

Ques. Were the vessels of the squadron in the practice of affording convoy to American vessels?

Ans. Always.

Ques. Was everything done by the squadron to suppress piracy, which you conceive could have been done to attain that object?

Ans. Everything I conceive was done which could be done.

Ques. Is there any other matter relating to the subject under investigation which you deem material? If so, state it fully to the court.

Ans. There is nothing.

Ques. During the time you were under the command of Captain Porter, had you reason to believe that reports were circulated in the West Indies, of piratical acts which were known to have no foundation in truth?

Ans. I believe such unfounded reports were numerous. I have no doubt many were got up for the purpose of drawing the attention of the squadron from places where the pirates really were.

Francis H. Gregory, a lieutenant in the navy of the United States, being duly sworn according to law, deposes and says:

Question. In what capacity did you serve in the squadron under the command of Captain Porter, and between what periods?

Answer. I commanded the Grampus; joined the commodore at Key West, on the 3d July, 1823, and continued under him until after my return to the United States, in November, 1823. Previous to my joining Commodore Porter, I was out on a cruise, having sailed from New York in December, 1822, while Commodore Porter was fitting out his squadron, under the orders from the Department, read and annexed to the record.

Ques. On what particular service were you employed during that period? Produce such orders and instructions as you received, relating in any manner to this investigation.

Ans. The Grampus sailed from New York December 30, 1823, for Matanzas; cruised about the Grand Bahama Bank a few days, and arrived at Matanzas January 18, 1823; gave convoy from that port, and touched at Havana the 28th; sailed the same day for the south side of Cuba; experienced a very severe gale from the southward; was disabled and driven into the Bay of Mexico; arrived on the 19th February, at the mouth of the Mississippi; proceeded to New Orleans, where I received on board a new mainmast; sailed under orders from Captain Patterson, read and annexed, with convoy for Tobasco; left the Balize April 24th; anchored off the mouth of the Tobasco May 1st; sailed the 7th for Vera Cruz, with convoy; 9th parted from the convoy, and proceeded directly to Campeachy; continued cruising and giving convoy upon that coast, until want of provisions forced me to go to Havana, where I arrived June 27th, and met the Wild Cat, Lieutenant Skinner, with whom I proceeded to Thompson's Island; a fleet of merchantmen left Havana in company with us; July 3d, arrived at Thompson's Island, where I received Commodore Porter's instructions, dated May 16th, read and annexed, being the first communication I had received from him; July 5th, was dispatched after a pirate; went to Key Vacas, and returned on the 10th to Thompson's Island; I received orders to proceed to Matanzas; sailed on the 16th with a barge; on the 19th dispatched the barge with one of the boats of the Grampus, off Point Yaco, before entering the harbor, to cruise among the keys, and went into Matanzas; between the 20th and 25th July, Lieut. Platt joined me from Thompson's Island, with a barge; sent him the same day to windward to cruise for pirates; continued giving convoy, watching every suspicious vessel in the harbor, of which there were several, and keeping the barges cruising along the coast to windward and leeward, until relieved by Commodore Porter's order of the 16th September; while at Matanzas, received Lieut. Freelon's report of the proceedings with the barges, (read and annexed,) and a letter from the merchants of Matanzas, (read and annexed.)

On the 13th October, left the Island of Cuba; at that time the Porpoise, Wild Cat, Hornet, and Jackall, were upon the coast, at Matanzas or Havana; arrived at Tampico October 19th; on the 20th was taken down with the yellow fever; sailed the 24th with 26 on the sick list; reached Havana on the 6th or 7th November, and sailed on the 12th for Norfolk; while at Matanzas, the Wild Cat, Lieut. Walbert, arrived from the United States; the Terrier or Ferret, Lieut. M'Kean, the Jackall, Lieut. Oellers, Lieut. Ritchie in the Fox, Lieut. Newton in the Beagle, Lieut. Kennon in one of the small schooners, all touched at Matanzas, offering convoy, and in several instances sailing with convoy; but which particular vessels, or the precise periods of their arrival and departure I cannot recollect; all however occurred between the 19th September and the 3d of October, the day on which I left Matanzas for the last time.

Independently of the written instructions received from Commodore Porter when I was going to Matanzas, I received also verbal instructions, in which he stated the importance of the point, the necessity for great activity and vigilance; and was directed to communicate to him in all cases of necessity.

Ques. While under the command of Captain Porter, did you carry on freight any, and what amount of specie?

Ans. When I left Havana for the United States, there was about six or seven thousand dollars put on board by the American consul at Havana, belonging to a merchant at Baltimore, which I landed at Norfolk, and deposited in the Bank of the United States at that place. My proportion of the freight, amounting to about eighty or ninety dollars, was given to the Orphan asylum at Philadelphia, the residue was given to the commodore; that was all the money that was ever shipped on board the Grampus in any foreign port during about 27 months that I commanded her.

Ques. Did any instance occur in which, by delaying your sailing or varying from your course, opportunities would have occurred to carry specie on freight?

Ans. When I left the Balize, under the orders of Captain Patterson, he gave me verbal instructions to go to Tampico by the 15th May, stating that there would be considerable sums of specie there by that time, and that he would make arrangements about it. On my arrival off the coast of Campeachy, I found several American vessels there in a great deal of alarm; the captain of one of them had been murdered by the pirates. In consequence of the defenceless state of the commerce, I determined not to go to Tampico, and wrote to that effect to the consul there, and employed myself in furnishing such protection as I could afford to the vessels in the neighborhood.

In spite of all my efforts, though I had my boats out in shoal water sometimes as far as eighty or a hundred miles from the vessel, they succeeded in several instances. I received a letter from Captain Patterson, under date of the 4th May, informing me he had made arrangements by which, had I gone to Tampico, I might have taken on board three or four hundred thousand dollars. I had a list of the vessels to which I furnished convoy at Campeachy, amounting to more than twenty. While I was at Campeachy, I was also importuned to take on board $40,000, and carry it to the Balize. This I declined, as it would

interfere with my other duties. The pirates were carrying on their depredations, and I considered it my duty to protect American commerce and look after the pirates. While there, I ran one vessel on shore, and took another, which I delivered up to the authorities of the place.

Ques. Independently of the transportation of specie, did the general protection of American commerce and property, and the suppression of piracy, require the presence of the vessels of the squadron in the Gulf of Mexico as frequently as they were sent there, and at the places to which they were sent?

Ans. As far as my knowledge extends, it was so; there were numerous piracies committed along the coast of Yucatan, off Tobasco and Alvarado, and apprehensions were generally entertained by the American merchants trading between New Orleans and Tampico.

Ques. Were the vessels of the squadron in the practice of offering convoy to American vessels?

Ans. It was their constant practice. I never knew an instance of its being refused.

Ques. Was everything done by Captain Porter, with the squadron under his command, to suppress piracy, which could be done?

Ans. As far as I know it was.

Ques. Is there any other matter relating to the subject under investigation which you deem material? If so, state it fully.

Ans. Nothing within my recollection.

Thomas H. Stevens, a master commandant in the navy of the United States, being duly sworn, according to law, deposes and says:

Quesion. In what capacity did you serve in the squadron under the command of Captain Porter, and between what periods?

Answer. I commanded the Jackall from early in January, 1823, to July 5th, of the same year; and the Shark, from July 25th, of the same year, till June 10th, 1824.

Ques. On what particular service were you employed during these periods? Produce such orders and instructions as you received, relating to the subject of this inquiry.

Ans. During the first part of the time, I was not cruising under Commodore Porter; I received my first instructions from him on the 11th May; (read and annexed.) The second orders are of the 6th of June; (read and annexed;) and the last orders, while in command of the Jackall, dated the 18th June; (read and annexed.)

I left Aguada in company with Captain Kearney, on the 11th of March; ran down the south side of St. Domingo, giving the coast a strict and careful exam'nation for pirates. From thence, we stretched over to Cuba, and commencing at Cape Mazo, examined very particularly the coast on the south side, to Cape Antonio—having two boats frequently out, and particularly about the bay of Cape Antonio, and arrived at Havana about the end of March.

I went into Havana, and found the alarm very great on account of pirates; gave convoy from there on the 1st of April, to probably fifteen or twenty vessels, and, on the 3d of April, arrived at Thompson's Island, and reported to Commodore Porter. Captain Kearney's report of the 11th of April, 1823, details the events of the cruise. On the 8th, sailed again, in company with the Fox and two barges, with part of the crew of the Peacock, under the command of Captain Cassin. We arrived next day at the Havana, where much alarm prevailed on account of several captures made by the piratical schooner Pilot. On coming out of the port of Havana, I informed Captain Cassin, then off the harbor, of the great excitement prevailing there, and strongly urged to send the barges in pursuit of the piratical vessel. This was done under Lieutenant Stribling: the next day he returned, having captured her. We gave convoy to a large fleet, and then proceeded to leeward, and entered the Colorados at Cape Blanco; commenced and continued an unremitting search after pirates, examining every inlet and bay to Cape Antonio; after examining which most particularly, we returned to Thompson's Island. While within the Colorados, we captured a large launch and a fine felucca, particularly adapted for piratical purposes, being manned and armed with guns of various calibres. Drove the crews ashore, after an action with them, and destroyed their establishment on shore, consisting of five huts. When we left Thompson's Island, we left Commodore Porter preparing boats and men to be dispatched on the same service. On my arrival at Thompson's Island on the 26th of April, I careened and repaired my vessel, took in provisions, and sailed in conformity with my instructions of that date. I was engaged in giving convoy and in cruising to windward of Matanzas after pirates, till the 5th June, when I returned to Thompson's Island, and received my instructions of that date. I obeyed these orders; went to Havana and Matanzas, cruising and giving convoy, and returned to Thompson's Island on the 17th June, where I received my orders of the 18th, and proceeded to the United States, to Washington. On the 29th July, received orders to take command of the Shark, at New York, and on the 3d October sailed from New York, having on board Commodore Rodgers and the surgeons who went out to visit Thompson's Island. On the 27th arrived at Thompson's Island; remained there ten or twelve days; proceeded to the Havana; left there November 6th, and arrived at Norfolk on the 16th.

On the 27th December, I received my orders from Commodore Porter, of that date; sailed from Norfolk, in pursuance of them, on the 31st; arrived at St. Jago on the 7th January, 1824; ran down the south side of Cuba; examined, carefully, the coast to Cape Antonio; and, on the 28th January, arrived off Alvarado, where I landed the gentlemen who had sailed with me from the United States, as the agents of the Bank of the United States. On my arrival at Alvarado, I was informed by the acting vice consul there, that a large amount of American property was detained at the Castle of San Juan de Ulloa, and that the representations of some naval commander were necessary to obtain restitution of it. I, accordingly, ran up to Point Lizardo, and anchored. I then left the vessel and repaired to Alvarado, for the purpose of inquiring into the business. Finding the statement of those who made the representations correct, I was returning to Lizardo, when a heavy north wind compelled me to return. This wind drove the Shark to sea, and I did not rejoin her till four or five days after. I then took with me an agent for the recovery of this property, and, after arriving on board, addressed a letter to General Lamour, the commander of the castle, who immediately restored it. In coming from the castle, the authorities at Vera Cruz seized the property, which made my presence in that place necessary. I got under way and anchored at Sacrificios on the 11th March, and entered into a correspondence with General Victoria, which eventuated in the reference of the matter to the government at Mexico.

Shortly after arriving at Vera Cruz, hostilities commenced between the castle and the city; and, as our vessels were daily arriving there, and liable to capture and detention by either of the contending

parties, I remained there, warning them off, and affording them every assistance in my power, till I received a letter from one of the gentlemen whom I had taken out with me, informing me of the failure of their mission. I sailed the next day after the receipt of this letter, and arrived at Tampico on the 3d April. I remained there four or five days, and then sailed for the Havana, where I arrived on the 19th; repaired to Thompson's Island, where I received instructions from Captain Porter to proceed to the United States, which I did, and arrived at New York on the 14th May.

Ques. While under the command of Captain Porter, did you carry any, and what amount of specie, on freight?

Ans. The whole amount of specie which I received on board, was $163,500; and before receiving any money in a foreign port, I always saw that the duties had been regularly paid. Of this amount, $8,000 was received at the Havana, when returning home in the Jackall; $58,000 at Thompson's Island, and $97,500 at Tampico: $10,000 from Tampico, was delivered at Havana; all the rest in the United States. The $8,000 was shipped at Havana, consigned to the house of Goodhue & Co., at New York. The $58,000 was received, by permission from Commodore Rodgers, from Lieutenants Oellers and Rousseau. The $97,500 was shipped by the American consul, Mr. Ingraham, at Tampico.

Ques. What premium or freight did you receive for such transportation, and how was it appropriated?

Ans. For the $8,000 I received 2½ per cent.; for the $58,000 I received 2 per cent., and for the $97,500, 1½ for that landed at Havana, and 2 per cent for that brought to the United States. I received for myself two-thirds; the other third I paid over to Commodore Porter. The commodore never made any demand of me for any of it; it was a voluntary act of mine, in pursuance of the general custom.

Ques. Was any time consumed at the place where the specie was shipped, on the passage, or at the ports where it was delivered, in consequence of being engaged in the transportation of specie, which would otherwise have been specially devoted to the suppression of piracy?

Ans. In no instance did any delay occur for the purpose of taking on board specie; on the contrary, I was requested to wait at Vera Cruz, or to stop off Alvarado, for the arrival of a convoy, which was expected down from Mexico, with two or three million of dollars, which I declined doing, but sailed immediately on receiving the letter I have mentioned, from the gentleman whom I carried out.

Ques. During the period of your being under the command of Captain Porter, did you ever hear, or do you know of any specie being carried on frieght by any vessel on board which he was at the time?

Ans. I do not know that in any case the vessel which carried Commodore Porter's pendant carried any specie. Commodore Porter was never down the gulf when I was with him; he was either employed on the coast of Cuba or at Thompson's Island.

Ques. Did the general objects of the protection of American commerce and property, and the suppression of piracy require, in your opinion, that the vessels of the squadron should go as frequently as they did to the Gulf of Mexico, and to the places to which they were sent?

Ans. They certainly did, according to my opinion.

Ques. Were the vessels in the squadron in the practice of affording convoy to American vessels?

Ans. In every instance where it was required; more frequently than the general orders required it.

Ques. Was everything done by Captain Porter, with the force under his command, which could be done to suppress piracy?

Ans. All that energy and decision could accomplish, was done to attain that object. It appeared to be the principal object of the commodore, and of every officer under his command.

Ques. During the time that you acted under Captain Porter, had you reason to believe that unfounded reports of piracies were circulated in the West Indies?

Ans. I have no doubt but such reports were frequently circulated without the shadow of truth, for the purpose of drawing off the attention of our squadron.

Ques. Is there any other matter relating to the subject of this inquiry, material to mention?

Ans. I know of nothing important.

The court adjourned till half-past 10 o'clock to-morrow morning.

TUESDAY, *May* 17.

The court met pursuant to the adjournment of yesterday. Present: as before.

Master Commandant William B. Finch, again:

Question. During the period of your being under the command of Captain Porter, did you ever hear or know of any specie being carried on freight by any vessel on board of which he was at the time?

Answer. No; his flag was transferred from the John Adams, before she sailed down the gulf, to the Sea Gull. The commodore himself never went down into the bay while I was with him.

Charles W. Skinner, a lieutenant in the navy of the United States, being duly sworn according to law, deposes and says:

Question. In what capacity did you serve in the squadron under the command of Captain Porter, and between what periods?

Answer. I served with Captain Porter from about the 23d December, 1822, till about the 11th of July, 1823, in command of the schooner Wild Cat. I commanded the Porpoise from March, 1824, until Captain Porter left the West India station.

Ques. On what particular service were you employed during these periods? Produce such orders and instructions as you received.

Ans. I was governed by the general instructions, that have been given in evidence, and obeyed them in every particular. I was in company with Commodore Porter until after the arrival of the squadron at Aguada. At that place the squadron was separated, and I continued with the commodore until the 20th March, engaged in the suppression of piracy, particularly between St. Thomas and Sugar Key; we anchored at Sugar Key, where the Beagle was put also under my command, three lieutenants from tha Peacock, and about eighty of the ship's company in the boats of that vessel, with orders to examine from Cayo Romano, in the old Bahama Straits to Matanzas. We landed on the different keys, examined them, boarded all the vessels we fell in with, and arrived at Matanzas on the 20th March. On the same night, in consequence of a report that a piracy had been committed in Escondido, I sailed for that place with the Beagle and the boats of the Peacock in company, examined the place, and found the report to be unfounded. I returned, and off Matanzas fell in with the commodore in his gig. The commodore sailed about the 30th, and left me in command of the Wild Cat and Beagle, to convoy from Matanzas and he Havana twice a week, till further orders, and to examine in the intervening time the creeks and inlets

in the neighborhood. From that time till the 2d July, I was constantly engaged in this business, boarding every vessel, and examining every creek. During that period, I believe I gave convoy to about one hundred and eighty sail of vessels, affording all the protection in our power, being constantly at sea. I went over to Thompson's Island, and on the 3d July sailed for Key Vacas, to land marines and artillery; and sailed from thence on the 5th for the United States.

The second cruise was to the coast of Africa, under orders from the Department, dated June 19th, 1824. (Read, and annexed.) Having accomplished the duties given by those orders, boarding on the coast of Africa several vessels engaged in the slave trade, under the French, Spanish, and Danish flags; returned to Cape Messurado, took on board Mr. Gurley, as I was directed, and sailed for the West Indies. On the 15th September, arrived at St. Pierre, Martinico, sailed on the 16th, arrived at St. Thomas the 19th, sailed on the 24th, convoying a ship through the Sail Rock passage. On the 25th, arrived off St. Johns, Porto Rico, and inquired after pirates; finding all quiet in that quarter, I proceeded, and on the 28th landed and examined the Island of Mona.

On the 30th, went to the city of St. Domingo. On the 4th October, anchored off St. Jago de Cuba; during each of these trips kept as near the shore as possible, examining the coast and inlets—proceeded to the Island of Cayman, thence over to Cuba, and went down it till I reached Cape St. Antonio, where I gave chase to a suspicious vessel, and at night dispatched some boats in pursuit of her; the boats found the piratical establishment on the cape, and destroyed it, but were unable to overtake the vessel. Being short of provisions, proceeded to Havana, boarding all the vessels I met with—arrived at Havana on the 13th. On the 17th sailed with convoy; in going out of the harbor, fell in with the Terrier, a barge in company, going in—informed him of the piratical vessel I had fallen in with at Cape St. Antonio, and he immediately went in pursuit, and succeeded in capturing him. On the 19th, having left the convoy, anchored at Matanzas. On the night of the 20th, having borrowed a boat from the shore, sent all my own boats, with all my officers, and as many men as could be spared, to search the piratical haunts about Matanzas. On the 23d, they returned with the piratical schooner Gata, and three piratical boats, as prizes. On the night of the 24th, manned the prize schooner, and sent her out on a cruise. On the 25th, sailed with a convoy from Matanzas. On the 28th fell in at sea with the schooner, proceeded to Thompson's Island, where I arrived on the 31st October. There repaired the vessel, took in provisions, and sailed on the 10th November for Matanzas, having received an order to that purpose from the commodore; arrived at Matanzas on the 11th. On the 13th sailed with a convoy, and, from that time till the 17th December, was constantly occupied in that neighborhood, giving convoy to merchantmen, and with my boats out searching for pirates. On the 18th December, arrived at Thompson's Island, where I joined Commodore Porter. On the 22d, received the order, (read and annexed,) to proceed to the Gulf of Mexico, with which I complied. Sailed on the 23d for the Havana, thence on the 26th for the Gulf of Mexico. On the 31st fell in with an American brig, and convoyed her into Campeachy, there offered convoy, and proceeded to the different places indicated in my orders, offering at each convoy and protection to American commerce. Sailed from Tampico on the 18th March, arrived at Havana on the 31st; there I received an order from Captain Warrington to comply with the previous order, received from Captain Porter, and sailed about the 7th April for New York, where I arrived about the 19th.

Ques. While under the command of Captain Porter, did you receive any and what amount of specie on freight?

Ans. The first specie I carried was in the Wild Cat, from the Havana, $5,000, carried to a vessel which had sailed before me and which I was to convoy. The next time I carried $34,519 from Tampico to the Balize. The next sum I carried was $109,013 from Tampico; $2,000 was landed at Havana, the residue at New York.

Ques. Was it shipped by American merchants, or by whom?

Ans. All that I carried from Tampico was shipped by the American consul; the $5,000 was shipped by the master of an American vessel of Philadelphia.

Ques. What amount of freight did you receive for such transportation, and how was it appropriated?

Ans. The whole amount was between $2,200 and $2,300; one-third was deposited in bank for the commanding officer, the residue was my own.

Ques. Was any time consumed at the places where the specie was shipped, on the passage, or at the places of delivery, in consequence of your being engaged in the transportation of specie, which would otherwise have been specially devoted to the suppression of piracy?

Ans. I did not remain at any of these places longer than I should have done, had there been no specie. I complied strictly with my orders. I was on one occasion offered a considerable sum of money to be carried to New Orleans, but I declined it, as I had no other motive to carry me there.

Ques. Did the general protection of American commerce and property, and the suppression of piracy, require, in your opinion, the presence of an American force in the Gulf of Mexico as frequently as it was sent there, and at the places to which it was sent?

Ans. I conceived it absolutely necessary that an American vessel of war should be in the Gulf of Mexico. I can only speak as to my own vessel, not knowing what other vessels were there or how long.

Ques. Were the vessels attached to the squadron in the practice of affording convoy to American vessels?

Ans. So far as I knew, it was the constant practice.

Ques. Was everything done which could be done by the squadron to suppress piracy?

Ans. Yes; as far as came to my knowledge, no vessels were ever more actively or more disagreeably employed.

Ques. During the time that you were under the command of Captain Porter, had you reason to believe that reports were circulated in the West Indies of piratical acts, which were ascertained to be without any foundation in truth?

Ans. Yes, many; it was constantly the case.

Ques. During that period, did you ever hear or know of any specie being carried on freight by any vessel on board of which Captain Porter was at the time?

Ans. No, I never did; I never heard of his being in the Gulf of Mexico.

Ques. Is there any other matter or thing material to this investigation? If so, state it fully.

Ans. I do not recollect anything further. When in Tampico, the American consul informed me that he had repeatedly written to have an American vessel from the squadron sent down there to carry specie,

and that, in consequence of there being none, it became necessary to ship it in English vessels, which made the route more circuitous, and increased the expense.

Charles H. Bell, a lieutenant in the navy of the United States, being duly sworn according to law, deposes and says:

Question. In what capacity did you serve in the squadron under the command of Captain Porter, and for what time?

Answer. I was a lieutenant commandant, commanding the Ferret, from the 8th August, 1824, until his return from the West Indies.

Ques. On what particular service were you employed?

Ans. I received orders from Commodore Porter to proceed from Washington to Thompson's Island, touching at Matanzas, to give protection to our commerce. I sailed about the 26th, and arrived about September 10th; was employed during the whole time that I was under his command, in protecting American commerce, and giving convoy from Matanzas and Havana, and cruising occasionally after pirates, from about Havana to French Key, to the eastward of Matanzas.

Ques. While under the command of Captain Porter, did you carry on freight any, and what amount of specie?

Ans. Never any.

Ques. Were the vessels attached to the squadron in the practice of offering convoy to American vessels?

Ans. It was their constant practice, so far as my knowledge extends. I myself convoyed at least forty or fifty vessels. I never refused convoy but once; that was in Havana. I had received orders to convoy at a certain day from Matanzas, and the vessels which required it could not sail at the time. I was obliged to leave that port.

Ques. Was everything done by the squadron within their power, in the suppression of piracy?

Ans. I believe so.

Ques. During the period that you were under the command of Captain Porter, did you ever know or hear of any specie being carried on freight by any vessel on board of which he was at the time?

Ans. No.

Ques. Is there any other matter material to this inquiry? If so, state it fully.

Ans. I know nothing further that is material.

John P. Zantzinger, a lieutenant in the navy of the United States, being duly sworn according to law, deposes and says:

Question. In what capacity did you serve in the squadron under the command of Captain Porter; and for what length of time?

Answer. I commanded the Weasel from 17th September, 1823, till July 20th, 1824.

Ques. On what particular service were you employed?

Ans. I arrived in the West Indies on the 17th October; went through the Caycus passage; went to Barico, at the east end of Cuba; proceeded through the old Straits of Bahamas to Matanzas; remained there three weeks, giving convoy in and out of the harbor. From thence I proceeded to Havana; found there the Porpoise, Lieut. Ramage, to whom I was ordered to report myself. Thence I proceeded to Key West, and returned to Havana, where I received orders to proceed to the United States. My business on this first cruise was to examine the coast and inlets, in search of pirates, and to give convoy. I sailed for the United States about the 12th December, giving convoy and bringing home specie. Went from New York to Norfolk, where I received orders to proceed to sea, in company with the Spark; sailed July 18th, and proceeded to St. Thomas; proceeded along the south side of Porto Rico, St. Domingo; ran between St. Domingo and Jamaica; thence along the south side of Cuba, round to Cape St. Antonio, giving the whole coast a thorough examination; thence to Key West, where I rejoined the Spark. Sailed in company with the Spark about the 4th March to the Gulf, running along the coast of Yucatan to Cape Catouche; ran into Campeachy, from thence to Alvarado; remained there about three weeks; thence to Point Lizarado; thence to Vera Cruz. I thence proceeded to Tampico, with the annexed order; remained in the harbor near three weeks, affording protection to our commerce. I then sailed, with some specie on board, for Vera Cruz; thence to Alvarado; thence to the Havana, going along the coast from Cape Antonio; thence to Thompson's Island. I there received orders to proceed to New York, and sailed for the United States. During the last cruise, my principal occupation was giving protection to American commerce, and looking after pirates. The reason of my continuing so long in the ports where I remained, was that the American consul, and all the principal merchants, made a request of Lieutenant Newton to permit me to be there, stating, that as the Weasel was small and able to cross the bar, her presence was more important in affording protection to the commerce than the larger vessels, which were compelled to remain outside. At Tampico I was detained near a fortnight, in consequence of an American vessel being attacked.

Ques. While under the command of Captain Porter, what amount of specie did you carry on freight? from what places, and where delivered?

Ans. I carried $197,000; of this I carried $70,000 from Havana to New York. From Tampico and Alvarado, I carried $127,000; of this $55,500 was taken on board in consequence of an American vessel from Philadelphia, who had it on board, running ashore off Tampico. I took it on board, and carried it to Philadelphia; I delivered all the residue at Philadelphia, except $1,000 landed at Havana.

Ques. Was it shipped by American merchants, or whom?

Ans. All the money that I carried was shipped by American merchants.

Ques. What amount of freight did you receive for the transportation, and how was it appropriated?

Ans. I received two per cent. on the whole amount carried; one-third I paid to the commodore as a voluntary act on my part, the residue I retained.

Ques. Was any time consumed at the places where the specie was shipped, on the passage, or at the ports where it was delivered, in consequence of your being engaged in the transportation of specie, which would otherwise have been specially devoted to the suppression of piracy?

Ans. None.

Ques. Did the general protection of American commerce and property, and the suppression of piracy,

require, in your opinion, the presence of an American force in the Gulf of Mexico as frequently as it was sent there, and at the places to which it was sent?

Ans. Yes, and much more frequently. Complaints were numerous of the want of a force there.

Ques. Was the procuring of specie the primary or secondary object of your going into that quarter?

Ans. It was entirely secondary.

Ques. Were the vessels of the squadron in the practice of affording convoy to American vessels?

Ans. It was their constant practice wherever it was wanted; I always offered convoy at every port to which I went.

Ques. Was everything done by the squadron which, as you conceive, could be done towards the suppression of piracy?

Ans. It was.

Ques. While you were under the command of Captain Porter, were any reports circulated, without any foundation, of piratical acts?

Ans. Yes, frequently, on the coast of Cuba; such reports were I believe frequently circulated for the purpose of drawing the vessels off.

Ques. Did you ever know of or hear, that any vessel on board which Captain Porter was at the time carried specie on freight?

Ans. I know of no instance, and never heard of any.

Ques. Is there any other matter which you deem material to this inquiry? If so, state it fully.

Ans. Nothing in particular.

David G. Farragut, a lieutenant in the navy of the United States, being duly sworn according to law, deposes and says:

Question. In what capacity did you serve in the squadron under the command of Captain Porter, and for what period of time?

Answer. I joined the squadron on the 4th February, 1823, as an acting lieutenant on board the schooner Grayhound, commanded by Master Commandant John Porter, and afterwards by Lieutenant Kearney, and continued on the station until the commodore returned to the United States in July, 1825.

Ques. On what particular service were the vessels to which you were attached employed?

Ans. The Grayhound was constantly employed, while I was on board her, in the suppression of piracy, and giving convoy on the south side of the Island of St. Domingo and Cuba, and the Mona passage, and on the north side of Porto Rico. I was in the Grayhound till July, 1823, at which time I was transferred to the steam galliot Sea Gull; she wore the pendant of Commodore Porter, and was engaged in cruising for pirates along the coast of Florida; Commodore Porter was taken sick, and the vessel remained at Thompson's Island until he returned home in the summer of 1823.

On the 17th February, the Sea Gull having been repaired, we again sailed for the West Indies; the commodore in the John Adams, in company touching at different places, visited the Island of St. Bartholomews, St. Thomas, St. Kitts, ran down the north side of Porto Rico through the Mona passage, visited the Island of Mona, down the south side of St. Domingo, examined the coast and inlets, retook the schooner Pacification off Jaquemel from a Carthagenian privateer, visited St. Jago de Cuba, then down the coast, examining the coast thoroughly by the Isle of Pines; coasted the island along as far as Matanzas, thence to Thompson's Island. The next day the commodore arrived in the John Adams, and we were dispatched on an expedition under the command of Captain Wilkinson to Cape Antonio, in pursuit of a pirate whom he had chased in there a few days before; the boats entered the Colorados to the windward, and the Sea Gull to leeward, and met about half way; received information from some fishermen that the vessel had sailed for the coast of Yucatan. Having made diligent search, we were joined by the Grayhound, and returned to Thompson's Island; I then left the Sea Gull, and on the 10th June was appointed to the command of the Ferret. I received verbal instructions from Commodore Porter to cruise between Havana, Matanzas, and Thompson's Island, for the purpose of giving convoy twice a week out of Matanzas and Havana, to carry plants from Cuba over to the island, and to be careful to afford every protection to our commerce that might be requested. These orders were punctually obeyed; no convoys were asked which I did not afford, no piracies were complained of. I gave convoys sometimes three times, sometimes four times a week. I continued thus occupied until July 5th, when I received orders to carry a public agent to Nassau, New Providence, and afterwards to proceed to the United States.

Ques. While under the command of Captain Porter, did you carry on freight any, and what amount of specie?

Ans. I carried none.

Ques. Do you know, or did you ever hear, that any was carried in any vessel on board which Captain Porter was at the time?

Ans. No; I never did.

Ques. Was it the practice of the squadron to afford convoy, when required, to American vessels?

Ans. Always, I believe; I never knew an instance to the contrary.

Ques. Was everything done by the squadron for the suppression of piracy, which could be done?

Ans. I think so.

Ques. Had you ever reason to believe that reports were circulated in the West Indies, without any foundation, of piratical acts; and for what purpose?

Ans. I have known many such myself; what the object was, cannot say. Some that I heard, I knew at the time to be false; and false reports were also circulated with regard to the absence of vessels, from the ports of Cuba, to give convoy.

Ques. Do you know, and were you frequently at the ferry, kept by an Englishman named Roberts, near Matanzas?

Ans. Yes, I knew him; was frequently there; obtained, from his plantation, plants for Key West.

Ques. Do you know, or did you ever hear, of that ferry being much resorted to by pirates, or persons having intercourse with them?

Ans. I never did.

Ques. Is there anything further material to this inquiry?

Ans. I know nothing that I conceive important.

The court then adjourned till half-past 10 o'clock, to-morrow morning.

WEDNESDAY, *May* 18.

The court met, pursuant to the adjournment of yesterday. Present: as before.

Ralph Voorhees, a lieutenant in the navy of the United States, being duly sworn, according to law, deposes and says:

Question. In what capacity did you serve in the squadron under the command of Captain Porter; and for what period of time?

Answer. I served on board the Sea Gull, as a lieutenant, from December 26th, 1822, till July 16th, 1823. I then took command of her, and continued in command until July 10th, 1824.

Ques. On what particular service was the Sea Gull employed while you were attached to her, and where?

Ans. I sailed in February, 1823, for the West Indies. The vessel was employed generally in the West Indies, and particularly cruising around the Island of Cuba and through the Bahama Straits, in giving convoy to American vessels, and the suppression of piracy. The commodore was frequently on board the Sea Gull, and I think for half the time that she was out she bore his pendant, which was sometimes shifted to the John Adams and Peacock.

Ques. During that time was any, and what amount of, specie carried on freight in the Sea Gull?

Ans. None was carried.

Ques. Do you know, or did you ever hear, that any was carried in any vessel on board which Captain Porter was at the time?

Ans. None that I know of.

Ques. Was it the practice of the squadron to give convoy to American vessels?

Ans. Always, when required.

Ques. Was everything done which could be effected to suppress piracy?

Ans. I believe all the vessels were actively and judiciously employed for that purpose.

Ques. Had you reason to believe that many unfounded and exaggerated accounts of piracy were circulated in the West Indies?

Ans. Many such reports were circulated, which, on examination, we found to be destitute of any foundation; they were very frequent. I also saw in the papers from the United States the most exaggerated and unfounded statements of piracies.

Ques. Is there anything else material to this investigation within your knowledge? If so, state it fully.

Ans. Nothing.

John H. Lee, a lieutenant in the navy of the United States, being duly sworn, according to law, deposes and says:

Question. In what capacity did you serve in the squadron under the command of Captain Porter, and for what period of time?

Answer. I served as a lieutenant on board the John Adams, from the time she went to the West Indies until about the 25th April, 1824; at that time I took command of the schooner Jackall, and continued in her till November 20th, 1824.

Ques. On what service were the vessels on which you were, particularly engaged during those periods?

Ans. The John Adams joined the squadron at Key West, in August, 1823, and then returned to the United States in consequence of the sickness. About the 17th February, 1824, sailed again from the United States, under the command of Captain Dallas; the particular object in which we were occupied, was cruising for pirates from the windward, down through the islands, till our arrival at Key West, where I left her. On board the Jackall I cruised along the coast of Yucatan and Campeachy, with another schooner in company, in pursuance of Commodore Porter's orders of April 25th (read and annexed), and executed those orders, and made the report of the cruise which has been given in evidence.

Ques. Did the vessels to which you were attached, while under the command of Captain Porter, carry any, and what amount of specie, where from, and to what parts?

Ans. None was carried in either of the vessels, while I was under his command.

Ques. Did the protection of American property and commerce, and the suppression of piracy, require the presence of an American force in the Gulf of Mexico as frequently as it was sent there, and at the places to which it was sent?

Ans. I think it did.

Ques. Were the vessels of the squadron in the practice of affording convoy?

Ans. Always, when asked, as far as I knew; and it was constantly offered.

Ques. Were unfounded or exaggerated reports of piracies common in the West Indies?

Ans. I think that exaggerated reports of piratical acts were very frequent.

Ques. Did you ever know or hear of any specie being carried on freight by any vessel of the squadron on board which Captain Porter was at the time?

Ans. No; I never did.

Ques. Was everything done which could be effected, by the squadron, for the suppression of piracy?

Ans. So far as my opportunities of judging extend, I think Commodore Porter made the best distribution of his force for the attainment of that object.

Ques. Is there any other matter within your knowledge material to this inquiry? If so, state it fully.

Ans. Nothing, that I know of.

John T. Ritchie, a lieutenant in the navy of the United States, being duly sworn, according to law, deposes and says:

Question. In what capacity did you serve in the squadron under the command of Captain Porter, and for what period of time?

Answer. I was a lieutenant on board the Ferret; sailed with the squadron in February, 1823, and continued in her till the July following, when I took command of the schooner Fox, and continued in that capacity until October, 1824.

Ques. On what particular service were those vessels engaged?

Ans. While in the Ferret, cruised around the Island of Porto Rico after some pirates that we had heard of—rejoined the commodore at Aguadilla. The single object of the cruise of the Ferret, while I was on board her, was the suppression of piracy along Porto Rico, St. Domingo, Cuba, the Colorados to Key West. After I took command of the Fox, I received the orders dated July 19, 1823, (read and annexed,) was then ordered to join Lieut. Kennon, with whom I had cruised after pirates along the north coast of Cuba; afterwards received the orders of August 5, (read and annexed,) and proceeded to the coast of Yucatan, executed them, and made my report of August 29, which has been given in evidence. I afterwards proceeded to Matanzas and Havana, and on my return to Key West came home to the United States, under orders of September 16, (read and annexed.) In December following returned to the West Indies, and cruised under the orders of Captain Wilkinson, (read and annexed,) until recalled to Key West in April following. Immediately on reaching the island received the orders of April 16, 1824, (read and annexed,) and proceeded forthwith in execution of them. After my return I received the orders of April 25, (read and annexed,) and after executing them returned to Key West, and to the United States in October following.

Ques. While under the command of Captain Porter, did the vessels to which you were attached carry on freight any and what amount of specie; from and to what ports?

Ans. During my first cruise I took on board, at various times, about $40,000 for the United States, received on board at Havana; on the last cruise the only money I received was at Tampico, as I was leaving that place, about $20,000, for Havana. Of this, $3,000 was brought to the United States and delivered at Washington.

Ques. What freight did you receive for such transportation, and how was it appropriated?

Ans. I received, I think, 2½ per cent. on the first money I brought home, and 1½ per cent. on that brought from Tampico. One-third was given to Commodore Porter, and the residue reserved by me.

Ques. Was this money shipped by American merchants, or by whom?

Ans. It was shipped through the American consuls at Havana and Tampico.

Ques. Did the general interest of American commerce and property, and the suppression of piracy, require the presence of an American force in the Gulf of Mexico as frequently as it was sent there, and at the places to which it was sent?

Ans. I think so.

Ques. Did the transportation of the specie you carried interfere in any manner with your attention to the suppression of piracy, or protecting American commerce?

Ans. It did not.

Ques. Was everything done by the squadron to suppress piracy, which could be effected?

Ans. I believe it was, so for as I was capable of judging.

Ques. Is there anything further, within your knowledge, material to the present inquiry? If so, state it.

Ans. Nothing further, than that circumstances occurred at Tampico in regard to the detention, for forty days, of an American vessel, which I succeeded in having released; which showed, beyond doubt, the necessity for having a man-of-war in that neighborhood for the protection of American commerce.

Charles Boarman, a lieutenant in the navy of the United States, being duly sworn according to law, deposes and says:

Question. In what capacity did you serve in the squadron under the command of Captain Porter, and for what period of time?

Answer. As lieutenant, I commanded the schooner Weasel, from the 20th July, 1824, till the return of Commodore Porter.

Ques. On what particular service were you engaged during that period of time?

Ans. From the time of my arrival at St. Barts, on the 15th August, I was employed during the whole time in convoying and cruising for pirates. Went to Crab Island in pursuit of pirates, captured a boat; the pirates escaped on shore. In September sailed from Havana for the Gulf of Mexico, convoying three American vessels; arrived at Campeachy; sailed to Alvarado, and made my report of the 5th December, (read and annexed;) thence sailed to Tampico, inquiring after pirates, and furnishing protection to our commerce; and having fulfilled my orders, took on board specie for the United States, arrived at the Havana, and made my report of the 21st January, 1825.

Ques. During this time, what amount of specie did you carry on freight, from, and to, what ports?

Ans. I carried about $65,000 from Tampico, shipped for New York: about $20,000 of it was subject to the order of a merchant at Havana, and was there transferred to an English frigate; of this, about $14,000 was shipped by an American house, and a part of the money was shipped by Spaniards. At Havana from three to four thousand dollars was put on board, and landed at Norfolk.

Ques. What amount of freight was paid for this transportation, and how was it appropriated?

Ans. About $1,200 was paid; one-third I gave to Commodore Porter, and the residue I retained.

Ques. Did this carrying of specie interfere in any manner with your attention to the suppression of piracy, and the protection of American commerce?

Ans. Not in the least. I was offered money at Campeachy to carry to the United States, but would receive none until I had completed my cruise, and was on the eve of returning to the United States; and I sailed as soon as I should have done had I carried no specie.

Ques. Did the general protection of American property and commerce, and the suppression of piracy, require the presence of American vessels-of-war in the Gulf of Mexico as frequently as they were sent there, and at the places to which they were sent?

Ans. I think so. During the period of from two to three months that I was there, there was no other vessel of the squadron there.

Ques. Was everything done by the squadron which could be done for the suppression of piracy?

Ans. My opinion is, that all was done which could be done to suppress it.

Ques. Is there any other matter within your knowledge material to this inquiry?

Ans. Nothing.

Charles T. Platt, a lieutenant in the navy of the United States, being duly sworn according to law, deposes and says:

Question. In what capacity did you serve in the squadron under the command of Captain Porter, and for what period of time?

Answer. I served in 1823 in the Hornet, afterwards in command of a barge, and on board a merchant vessel employed as a decoy, and during the last year in command of the Beagle.

Ques. On what particular service were you employed?

Ans. The particular objects in which I was engaged were the offering protection to our commerce, and the suppression of piracy. Cruising in an open barge at one time sixty-eight days on the northeast side of Cuba. My last cruise in the Beagle was principally confined to the passages in the neighborhood of St. Thomas, under orders of August 4th, read and annexed. I was constantly cruising and giving convoy. While on that station, there was not a single vessel robbed, or an attempt made. in the neighborhood.

Ques. Had you any concern in the transportation of specie?

Ans. I never carried any. I was offered some on one occasion, but did not take it, not thinking the vessel I commanded a suitable one, and the object being inconsiderable.

Ques. Do you conceive that the squadron did everything which could be accomplished towards the suppression of piracy?

Ans. I do.

Ques. Is there anything further within your knowledge material to this inquiry?

Ans. Nothing further.

John Mountain, Esq., being duly sworn according to law, deposes and says:

Question. Were you in the Island of Cuba during the period that Commodore Porter commanded the American squadron in the West Indies, and in what capacity?

Answer. I was; in the capacity of vice American commercial agent.

Ques. Are the documents now shown you written by you?

Ans. I believe they are copies of communications made by me to Mr. Warner.

Ques. Do you conceive the sources from which you obtained the information contained in them deserving of confidence?

Ans. I certainly do, most of it from declarations on oath, and the residue from respectable houses at Matanzas, and merchants intimately acquainted with the trade of that country.

Ques. How many and what American men-of-war touched at the Island of Cuba during the year 1824, to the best of your recollection, carrying specie on freight?

Ans. I cannot answer as to the number, nor am I able to name the vessels, not knowing them distinctly; generally speaking, however, all the vessels on the station of a large class. Captain Kennedy in the Hornet refused, and Lieutenants Shubrick and Ramage also refused to carry any. I do not mean to say that this was their sole occupation. The communications I made to Mr. Warner were made in consequence of the clamor of American merchants and masters, who complained of the want of convoy.

Ques. For what length of time were the vessels of the squadron absent, without giving convoy at the Havana?

Ans. For several weeks at a time. This occurred, I think, not more than once, and that was last summer. This long absence produced the clamor that I have spoken of. There is no American merchant at Havana who did not know and believe what I have stated in those communications. I understand that the vessels of the squadron had been removed by the orders of the government, on account of the sickly season, which was a prudent step. I do not mean that the officers of the squadron did not comply with their instructions, but it was known at Havana that the neigborhood was for some time deserted by them. The Americans carry on some trade in the Gulf of Mexico, and their remittances from that quarter are made both in produce and specie.

Ques. On hearing the general complaints of the merchants, did you make any inquiry as to the disposal of the force under Commodore Porter, and what was the information received?

Ans. I did inquire on one or two occasions when vessels touched there, and was shown the instructions to go to the Gulf of Mexico to protect the commerce, and touch at different ports there.

Ques. Did you know anything of the nature of Commodore Porter's instructions?

Ans. I know nothing of them.

Ques. Was the conduct of those officers who refused to take specie approved of or censured by the merchants?

Ans. Much approved of.

Ques. When the merchants complained of the want of protection, did you inform Captain Porter or any other officer of those complaints?

Ans. I did not inform Captain Porter, as I believe he was at that time in the United States, nor do I think I made any formal communication on the subject, as I thought it was unnecessary, as I believed every officer would do his duty.

Ques. Was the conduct of those officers who carried specie disapproved of?

Ans. Yes, it was.

Ques. Did you ever act as agent, or in any manner aid in procuring specie, to be carried in the public vessels?

Ans. I have done so.

Ques. By the expression in your letter of October 30th, "the thirst for making money prevails with others as well as those of the Island of Cuba," did you mean to apply it to the officers generally, or to any particularly?

Ans. That expression was not originally used by me, it was the general cry at Havana, and I understood it to apply to all those officers who had anything to do with the transportation of specie.

The court then adjourned till 11 o'clock, to-morrow morning.

THURSDAY, *May* 19.

The court met pursuant to the adjournment of yesterday. Present: as before. The judge advocate submitted to the court a communication from the Navy Department, which being read, was annexed to the record, and marked K.

The court then adjourned to meet at Gadsby's Hotel, in the city of Washington, at one o'clock to-day.

The court met at Gadsby's Hotel, pursuant to the adjournment of this morning. Present: as before, and adjourned to meet at the same place to-morrow morning, at 10 o'clock.

FRIDAY, *May* 20.

The court met pursuant to adjournment of yesterday. Present: as before. The judge advocate read and submitted to the court sundry documents, &c., which were read and annexed to the record. The reading of them continued until after 3 o'clock, and the court then adjourned until to-morrow morning, at 9 o'clock.

SATURDAY, *May* 21.

The court met pursuant to the adjournment of yesterday. Present: as before, and proceeded to the consideration of the report to be made to the Department. At 3 o'clock the court adjourned till 12 o'clock on Monday.

MONDAY, *May* 23.

The court met pursuant to the adjournment of Saturday, and proceeded to the further consideration of the report, which was agreed upon and signed, and annexed to the record. The court adjourned till to-morrow morning, at ten o'clock.

TUESDAY, *May* 24.

The court met pursuant to the adjournment of yesterday. The judge advocate was instructed by the court to transmit the record to the Department, and inform the Secretary that the court, having finished the business before it, awaited his further orders. A communication was received from the Secretary dissolving the court, annexed and marked L, whereupon the court adjourned *sine die*.

I.

To Captain Isaac Chauncey, president of the court of inquiry, now sitting at the Navy yard, Washington:

I have received the letter of the judge advocate, transmitting the proceedings of the court, in relation to the landing of a part of the naval forces, under the command of Captain David Porter, in the Island of Porto Rico, in November last.

I am also apprised, that Captain Porter has entered his protest against the competency of the court, and declined taking further part in its proceedings, and that it has nothing before it.

Circumstances, connected with the inquiry into the manner in which the naval forces of the United States, under the command of Captain David Porter, were employed in the suppression of piracy, render it expedient that that inquiry should not fail or be defeated, because the officer who requested it does not think proper to pursue it before this court. You are therefore hereby directed to proceed in the inquiry indicated in the precept, according to its terms, notwithstanding the objections taken by Captain Porter. You will inquire into the manner in which the squadron under the command of Captain Porter has been employed, during the period of his command, and report to this Department the facts; and whether the said forces have been employed in the suppression of piracy in the most effective manner in which they could be employed, in conformity with the orders and instructions from this Department; or whether they have been engaged in objects of inferior moment, to the injury of the public service: all which you will transmit to this Department, to be submitted to the President of the United States, for his consideration.

Herewith, you will receive a list of the witnesses to whom orders have been given to report themselves to the court, and such documents as appear to be connected with the subject of inquiry shall be submitted as soon as they can be prepared.

Should it appear, in the progress of the investigation, that other testimony within the control of the Department will be required, it shall be furnished with as little delay as practicable.

Given under my hand, and the seal of the Navy Department of the United States, at the city of
[L. S.] Washington, this tenth day of May, in the year of our Lord one thousand eight hundred and twenty-five, and of the independence of the United States the forty-ninth.

SAM. L. SOUTHARD.

K.

To Isaac Chauncey, Esq., president of the naval court of inquiry, now in session at the Navy yard at Washington:

SIR: I have received a letter from Richard S. Coxe, Esquire, judge advocate of the court, dated the 18th inst., in which he informs me "that the court has completed the examination of all the witnesses who have appeared before it, and inquiring whether any objection exists to the adjournment of the court to some other place more convenient than the Navy yard, for the completion of the business."

It is not perceived that any inconvenience or impropriety can result in the present situation of the business before the court, from a change in the place of meeting. You are, therefore, hereby authorized, should the court consider it expedient so to do, to adjourn to any other public place within the limits of the city of Washington, taking care to give proper notice of the change, and hereafter to hold your meetings at the place to which you shall have adjourned.

I am respectfully, &c.,

SAM'L L. SOUTHARD.

NAVY DEPARTMENT, *May* 19, 1825.

L.

NAVY DEPARTMENT, *May* 24, 1825.

SIR: The letter of the judge advocate, of this date, transmitting the record of the proceedings of the court of inquiry, in the case of Captain David Porter, has been received.

The Department has no further documents to communicate. The court is, therefore, hereby dissolved, and the officers composing it will resume their respective stations.

I am, very respectfully, sir, your obedient servant,

SAM'L L. SOUTHARD.

Com. ISAAC CHAUNCEY, *President Court of Inquiry. Present.*

To Isaac Chauncey, Esquire, captain in the navy of the United States:

It having been made to appear to the President of the United States, that on or about the fourteenth day of November, in the year of our Lord one thousand eight hundred and twenty-four, David Porter, Esquire, a captain in the navy of the United States, then in command of the naval forces of the United States in the West Indies and Gulf of Mexico, did, with a part of the military force under his command, forcibly land upon the Island of Porto Rico, a part of the dominions of his Catholic Majesty the King of Spain, then and still at peace and in amity with the Government of the United States, and did then and there commit acts of hostility within the territories and against the subjects of the said King of Spain:

The President of the United States has deemed an inquiry into the conduct of the said David Porter on that occasion, as well as into the causes which led to the same, to be necessary and proper.

And whereas certain representations have been made to the Government of the United States, in regard to the employment of the naval forces of the United States, in the West Indies and Gulf of Mexico, setting forth in substance, that in the year one thousand eight hundred and twenty-four, the said naval forces were not employed in the suppression of piracy in the most effective manner, but were employed in the transportation of specie and of other objects of inferior moment, to the neglect of the public interests; and the said David Porter, considering his conduct and character, as the commander of said forces, to be thereby implicated, has requested of this Department that an inquiry be made into the truth of said representations:

The President of the United States, in consideration of the premises, has charged me to convene a court of inquiry for the purpose of examining into the matters aforesaid.

You are therefore hereby ordered to proceed to the Navy yard at the city of Washington, on or before the second day of May next, to act as a member of said court, and to officiate as the president thereof.

Orders are also transmitted to Captain William M. Crane, and Captain George C. Read, to appear at the time and place aforesaid, and Richard S. Coxe, Esquire, is also appointed judge advocate, and will report himself to you in that capacity at the time and place aforesaid.

And the said court is hereby required to convene and organize at the said Navy yard at Washington, on the said second day of May, and is authorized and directed to summon before it such persons as may be deemed necessary to give information touching the matters aforesaid; and is also empowered, authorized and directed, diligently and strictly to inquire into the said matters, to make a statement of the facts in relation to the same, as they shall appear to the court, and particularly to examine into and report the causes which led to the conduct of the said David Porter at the Island of Porto Rico before mentioned, and to ascertain and report whether the naval forces of the United States were employed in the most effective manner in the suppression of piracy, or in objects of inferior moment, to the neglect of the public interests: all of which you will transmit to this Department, to be submitted to the President of the United States for his consideration. And for your so doing, this shall be to you, and to all concerned, a sufficient warrant.

Given under my hand, and the seal of the Navy Department of the United States, at the city of
[L. S.] Washington, this nineteenth day of April, in the year of our Lord one thousand eight hundred and twenty-five, and of the independence of the United States the forty-ninth.

(Signed) SAM'L L. SOUTHARD.

The court having maturely deliberated upon the precept, the communication from the honorable the Secretary of the Navy, dated the tenth instant, and the evidence which has been submitted, agree in the following report:

The court, in obedience to the precept and instructions of the honorable the Secretary of the Navy, having inquired into the manner in which the squadron under the command of Captain Porter has been employed, during the period of his command; and whether the said forces have been employed in the suppression of piracy, in the most effective manner in which they could be employed, in conformity with the orders and instructions from the Department of the Navy, or whether they have been engaged in objects of inferior moment, to the injury of the public service; and having maturely considered the testimony which has been laid before the court, reports the following statement as the result of this investigation:

It appears to the court, that in the year 1822, piracy had been organized into a system in the West India seas, preying upon the commerce of every country trading in that quarter.* In consequence of these excesses, an act of Congress was passed early in the succeeding session, "authorizing an additional naval force for its suppression." This law appears to have been acted upon in both Houses with great promptness,† and to have been approved on the 20th December, 1822.‡ By this act the sum of $160,000

*President's message to Congress, of December 3, 1822.
†Extract from the journals of both Houses.
‡Act authorizing an additional naval force for the suppression of piracy.

was appropriated for the purchase and construction of such vessels as might be deemed suitable for that particular object, and to fit and equip them for immediate service.

In the preparation of this force, Commodore Porter was personally and actively employed, and such dispatch was used, that on the 15th February the squadron, consisting of the Peacock sloop of war, the steam galliot Sea Gull, the Grayhound of 65 tons, the Shark of about 175 tons, the Ferret of 51 tons, the Fox of 51 tons, the Jackall of 47 tons, the Wild Cat of 48 tons, the Terrier of 61 tons, the Weasel of 53 tons, the Beagle of 52 tons, and the ship Decoy, sailed from Hampton Roads.

The instructions from the Hon. Smith Thompson, the Secretary of the Navy, to Commodore Porter, dated February 1, 1823, state the objects for which the squadron under his command had been equipped, and the directions he was to pursue in the attainment of those ends. These objects appear to be the suppression of piracy—the affording effectual protection to the citizens and commerce of the United States—the suppression of the slave trade, and the transportation of specie to the United States.*

In these instructions it was specially enjoined upon Commodore Porter to observe the utmost caution, in protecting our commerce against all unlawful interruption, and in guarding the rights both of persons and property of the citizens of the United States, not to encroach upon the rights of others, and to conduct himself in his intercourse with any foreign power with as much moderation and forbearance as is consistent with the honor of the country and the just claims of its citizens. The cultivation of harmony and a good understanding with any foreign naval force engaged in the suppression of piracy, is strongly recommended. The establishment of a depot at Thompson's Island or Key West, is likewise directed in the exercise of a proper discretion

It is particularly enjoined by the Department upon Commodore Porter to announce his arrival and object to the authorities of the Island of Cuba, and to obtain as far as practicable their co-operation, or at least their favorable and friendly support.

Another subject to which the attention of the squadron is particularly called, is, the protection of the convoy of specie from Vera Cruz and the Bay of Mexico, generally, to the United States. One vessel at least, is directed to be kept on this service, to be at or near Vera Cruz, during the healthy season of the year, and to be relieved as occasion shall require, both for the convoy of trade and to bring specie to the United States, confining the transportation to the United States only.

On the 26th February, Commodore Porter issued his general instructions to his different officers, for their direction and government. These instructions are in substance a transcript of those received by him from the Department, more minute in their details, but varying from them in no essential particular.

The principal object of the expedition being the suppression of piracy, which had assumed, in the seas designed for the sphere of his operations, an appearance of system and organization, and an extent which required the utmost vigor and vigilance to break it down, Commodore Porter appears, from the moment of his appointment to the command of the squadron, to have devoted his attention most zealously to the accomplishment of that object. After arriving in the West Indies, and dividing his force into separate detachments, they were dispatched in various directions in pursuit of pirates and piratical establishments.

The letter from Commodore Porter to Mr. Warner, the American commercial agent, at Havana, dated "off Matanzas, March 26th, 1823," affords a brief sketch of his proceedings to that date. He says: "I am now bound into Matanzas to wait for the boats of this ship, (the Peacock,) which, with the greater part of the crew and some small schooners, have been near a week absent among the Keys, on the south side of the Old Straits. We have examined all the Keys on the other side, and have thoroughly sounded the north side of Porto Rico, St. Domingo, and Cuba, as far down as Cayo Confites. I have sent small vessels down the north side of these islands, to examine every place where a pirate would be likely to be found, and have dispatched the Shark to scour the coast from Caraccas to La Vera Cruz. I have made the most of the force under my command."

The instructions to Lieutenant M. C. Perry, dated at Aguada, March 11th, 1823, sufficiently show the nature of the service on which the Shark was especially dispatched to the Gulf of Mexico.

The report made by Commodore Porter to the Secretary of the Navy, under date of the 28th March, 1823, exhibits a view of the difficulties to which he had been subjected, what had been done up to that period, and the employments of his squadron. About the beginning of April he arrived at Thompson's Island or Key West.

In addition to the more active operations of the squadron in the accomplishment of the objects of the expeditions, communications were made to the constituted authorities, in obedience to the instructions from the Department; the objects and designs of the government were fully and distinctly announced, and the co-operation of the local authorities requested. † A good understanding appears to have been assiduously cultivated with the commanders and officers of a British squadron at that time in the West Indies, which successfully furthered the objects in view, and was productive of mutual advantage. ‡

It appears that when Commodore Porter sailed from the United States, several vessels of war were cruising in the seas to which he was destined, to whom orders were dispatched to report themselves to him, and to place themselves under his command, to aid in the execution of the duties enjoined on him. This, however, did not take place, and the immediate consequence resulting from their absence was the inability of Commodore Porter, with the force at his disposal, fully to execute all the objects which he had contemplated. The explanation of this circumstance is given in the letters from the Secretary of the Navy, of June 7th, 1823.

During the continuance, however, of this state of things, the operations of the squadron were necessarily more limited than had been originally designed; and a portion of the vessels, instead of being actively engaged in pursuing pirates into the different haunts in which they took refuge, were diverted from this object, for which they were specially equipped, to the not less important one of affording convoy to merchant vessels.

In consequence, also, of the very limited number of men attached to the squadron, it became necessary to have the Peacock sloop-of-war and Decoy laid up at Key West, and their officers and crews were employed for a time in the smaller vessels and barges. A portion of the force was, also, necessarily occupied in the erection of suitable buildings, and in preparing the island for the reception and accom-

*See instructions.
†Letters to the governors of Cuba and Porto Rico.
‡Correspondence with British officers.

modation of the forces employed in the expedition. These various circumstances did unquestionably operate to divert the squadron from the suppression of piracy; but it appears to the court that the affording of convoy to the merchant vessels, and the preparing accommodations at the island, cannot be considered as objects of inferior moment, or which the public service would permit to be lost sight of, or even postponed.

It likewise appears to the court, that from the period that this squadron arrived in the West Indies, the pirates changed, in a great degree, both their character and their haunts. Instead of cruising in open day, in vessels of considerable magnitude, they abandoned this open and avowed system of piracy, and for some considerable period of time, until a new system of operations could be organized, either entirely disappeared, or resorted to new places for the carrying on their depredations.

Immediately upon the arrival of Commodore Porter at Thompson's Island, he commenced the necessary works on shore, and an expedition was prepared and dispatched under the command of Captain Cassin, in quest of a supposed pirate, who had been seen a few days previous in the neighborhood of the Island of Cuba. The reports of Lieutenant Stribling, who succeeded in effecting in a very gallant manner the capture of the vessel which had been the object of suspicion, dated the 8th April, 1823, of Captain Cassin of the 9th of the same month, and of Commodore Porter of the 16th, exhibit a full and correct account of their several operations during the intervening period of time.

The peculiar character of the service in which the squadron was employed, has been fully detailed in the reports made to the Department and in the testimony submitted to the court. A large portion of the officers and men was employed in the small schooners and in open boats—in a severe climate—exposed to the heat of a tropical sun by day, and to the not less dangerous dews and exhalations at night. The vessels themselves, from their size, were destitute of suitable accommodations, and the operations in which they were engaged necessarily imposed incessant fatigue and constant exposure. One fact may be deserving of particular notice, as exhibiting a specimen of the nature of this service. It is in evidence before the court that Lieutenant Platt was employed for sixty-eight successive days in an open barge, on the northwest coast of Cuba, in the examination of the inlets, bays, keys, and other places of piratical resort. Two of the schooners were occupied in giving convoy off the Havana, which were relieved by others whenever required. The barges under Captain Cassin were engaged in a laborious and critical search after pirates and piratical establishments; and during this period all the disposable force under the command of Commodore Porter appears to have been actively occupied in the important objects entrusted to his care.

On the 24th April, Commodore Porter, after detailing the circumstances attending an expedition in which he had been engaged, states his belief, that there was not at that time a pirate afloat on that part of the coast of Cuba (Matanzas) larger than an open boat, and even that is doubtful. About the same period, Captain Cassin was employed in the Fox, and with the barges, in a careful examination of all that part of the coast of Cuba to the westward of Havana, through the reefs, and in the inlets; in the course of which two piratical vessels were pursued and captured, and their establishments on shore, consisting of five huts, destroyed—the pirates themselves succeeding in effecting their escape, in consequence of the nature of the ground, which rendered a continuation of the pursuit on shore impracticable.

On the 10th of May, Commodore Porter reports his proceedings during the intervening time, and the operations in which the squadron were then engaged. The result was "the capture of a piratical schooner and a very fine felucca, the destruction of one on shore, the burning of three schooners in the Rio Palmas, and about a dozen houses in the different establishments to leeward of Bahia Honda, and inside of the Colorados reefs; and what," he continues, "will be of no little importance in all our future operations, a most thorough and intimate acquaintance with the whole line of coast from Cayo Blanco, in the east, down to Cape Antonio, in the west."

Another expedition was immediately dispatched under the command of Lieutenant Watson, who, after a strict examination of the coasts and islands from Cayo Francis to Cayo Blanco, in the vicinity of Cape Hycacos, discovered in Siguapa Bay a piratical schooner, which, after a gallant action, peculiarly destructive to the pirates, he succeeded in capturing, without having sustained on his part the slightest injury. His report of the expedition, dated July 11th, contains a narrative of the circumstances.

During the same period, two of the schooners, under the command of Lieutenant Skinner, were engaged in giving convoy from Havana; two were careened at Thompson's Island; and such was the want of men that it became impossible to man all the barges, some of which were, consequently, laid up.

On the 14th May, the Peacock sailed from Thompson's Island, to relieve the Shark in the Gulf of Mexico, in pursuance of the instructions of the 7th May. The particulars of this cruise are detailed by Captain Cassin in his testimony before the court.

So successfully had the squadron during this period accomplished the objects for which it had been sent, that, on the 19th May, Commodore Porter felt himself authorized to state to the Department that "not a single piratical act had been committed on the coast of Cuba since he had organized and arranged his forces."

On the 22d of the same month, he states that he is "left at Thompson's Island alone with the Sea Gull, one small schooner being engaged in the protection of commerce off Havana; another at Matanzas; two coming in for repairs, and all the others cruising for pirates on the south side of Cuba, and in the Old Straits of Bahama." Early in June, accounts having been received that a piratical schooner had captured two vessels on the south side of Cuba, the Grayhound, under command of Lieutenant Kearney, was dispatched in pursuit; whose report of his cruise is dated August 10th.

At this period, such was the incessant occupation of the squadron under command of Commodore Porter, so widely dispersed, and such its deficiencies in strength, that he was compelled to discontinue for a time the practice of giving convoy off Havana, and to bestow a more undivided attention to the pursuit and destruction of pirates. The continual presence of a vigilant force had rendered the north coast of Cuba comparatively safe from their depredations, and they had retired to other scenes, into which it became necessary to follow them.

On the 14th June, Lieutenant Newell, in the Ferret, sailed on a cruise to Trinidad, on the south side of Cuba. In the course of a few days, he fell in with an armed piratical barge, and captured two boats, the barge escaping up a lagoon in which it was impracticable to continue the pursuit. The particulars of the expedition appear in his report of June 25th.

In July, the Grampus, under the command of Lieutenant Gregory, arrived at Thompson's Island,

and joined the force under Commodore Porter: the details of his previous operations appear in his report of the 3d July.

Lieutenant Ritchie was then dispatched to the coast of Yucatan, under orders of July 8th, to ascertain the situation and character of a supposed piratical establishment in that quarter; and on the 29th August reported the circumstances of his expedition.

Shortly after the transactions that have been detailed, the yellow fever made its appearance at Thompson's Island, and in the squadron. The fatal consequences are stated in the report made by the Secretary of the Navy to the President of the United States, under date of the 21st September, 1823, and in the reports of Commodore Rodgers, and the physicians who accompanied him to make an examination of the island, annexed to the record. Commodore Porter himself, by authority of the Department, and suffering from the effects of an attack of the fever, left the West India seas, with a considerable portion of his force, and returned to the United States, as a necessary measure for the restoration of the health of the squadron. To such an extent had this disease carried its ravages, that it was considered prudent to direct the John Adams and Peacock to keep in company during their homeward route, for the purpose of affording mutual protection.

The general result of the operations of this season may be found in the report made to the Department, by Commodore Porter, on the 19th November. In this paper, it is stated that, "on the arrival of the squadron at Cuba, piracy was found in full force: but by the extraordinary activity and diligence of the officers and men under his command, it was in less than two months as effectually suppressed as it will be for several years." It is further stated: "At present I have no knowledge of the existence of any piratical establishment, vessels or boats, or of a pirate afloat in the West Indies and Gulf of Mexico. They have all been burned, taken, destroyed, or driven to the shore."

In reviewing the operations of the squadron during this period of time, it appears to the court that Commodore Porter, and the forces under his command, were fully entitled to the high commendations bestowed on them by the Department, in the letter of the 28th October, 1823.

During the absence of Commodore Porter in the United States, the evidence before the court throws but comparatively little light upon the general operations of the squadron. By the instructions from the Department, of October 28th, Commodore Porter was directed, if the state of his health would permit, to take upon himself the general superintending direction of the equipment of the vessels of his squadron, then at Washington and Norfolk. It appears that the Peacock, John Adams, Sea Gull, Beagle, Grampus, Wild Cat, Weasel, and Porpoise, were in the United States during different portions of that time, undergoing repairs and recruiting their crews, and as soon as they could be equipped, most of these small vessels resumed their stations, and returned to the accomplishment of the general duties enjoined on them.*

Commodore Porter sailed in the month of February, in the John Adams. From the testimony of Captain Dallas, and the report of Commodore Porter, of April 8th, it appears that she touched at St. Bartholomews, St. Christophers, and St. Thomas; examined the south coast of Porto Rico, looking in at the Dead Man's Chest, and Ponce, touching at Mona, St. Domingo, Beata, and Kingston, making diligent inquiries and examinations for piratical vessels, and offering convoy and protection to vessels of all nations from piratical aggressions.

By the letters of the Secretary of the Navy, of May 17th, 1824, and May 31st, 1824, it appears that considerable difficulties and delays in preparing an additional force had been experienced. This arose from the late period of the session of Congress at which the appropriation bill was passed. It became impossible, before an advanced period of the season, to commence preparing those vessels which it had been designed to unite to the squadron. It is to this circumstance that the unexpected absence of the Hornet and Porpoise, from the West India seas, is attributed.

During the month of April, an expedition was detached under command of Captain Wilkinson, in quest of pirates, and the report of that officer, dated the 24th of that month, details his operations. Lt. John H. Lee, with the Jackall and Wild Cat, sailed on the 26th April, and on the 12th May reports the circumstances attending his cruise. The John Adams was dispatched to the Gulf of Mexico, and her operations in that quarter are stated in the testimony of Captain Dallas. The Sea Gull, Terrier, Spark, Grampus, and Ferret, appear to have been in the neighborhood of Cuba and Thompson's Island, furnishing convoy, and engaged in the pursuit of pirates. On the 28th May, Commodore Porter informs the Department that the fever had made its appearance at Thompson's Island, and that he purposed removing the principal part of his forces to the north, about the middle of the succeeding month. This letter appears to be the only notification sent to the Department of such intention, and it was not received at Washington until June 24th, the day on which Commodore Porter reached the same place, on his return from the West Indies, as appears by his letter of the 25th of that month. On the 19th July, he is directed to dispatch the Shark, Grampus, and Spark, to their station, as speedily as possible, and they, as well as other vessels, received orders to that effect.

On the 14th October, the Secretary of the Navy informs Commodore Porter that "it is deemed expedient by the Executive that you return as speedily as possible to your station in the John Adams." On the 21st October he was again ordered to repair to his station, and on the 24th of the same month he proceeded to sea in the John Adams. Immediately after his arrival in the West Indies, the occurrence took place at Foxardo, which has already been fully detailed in the report made by this court in the first branch of the inquiry directed to be made, and which is considered as wholly unconnected with this investigation. A minute examination was again made of the south coast of Cuba, which being effected, the John Adams repaired to Thompson's Island. An expedition was immediately organized, and proceeded, under the command of the commodore in person, in quest of pirates. Before his return from this expedition, orders were received, dated the 27th December, directing his return to the United States, with which, as soon as the officers and men of the John Adams, engaged in the last mentioned expedition returned to their vessel, he complied.

At the time that Commodore Porter left the West India seas in June, 1824, the schooners Ferret and Terrier, with a barge, were left to cruise between Thompson's Island, Havana, and Matanzas, and they appear to have been actively occupied during his absence in giving convoy from Havana and Matanzas,

* General Orders, of November 8, 1823. Letter from the Secretary of the Navy, December 3, 1823.

and in exploring the neighboring coasts for pirates. Other vessels occasionally arrived in that vicinity during the same interval, and were, for periods of different length, employed for the same objects. The Beagle was engaged in cruising and giving convoy in various directions in the neighborhood of St. Thomas, and appears to have kept that quarter perfectly safe from piratical depredations. In another quarter the Weasel was accomplishing the same ends.

The absence of many of the officers engaged in the squadron during the summer of 1824—the want of official reports of their several operations, and the withdrawal of Commodore Porter from any participation in the investigation, have rendered it impracticable to detail, with as much particularity as could be wished, the daily movements of the various vessels. A reference to the orders annexed to the record will show, in addition to the statements already made, the duties respectively assigned to them. So far, however, as the evidence reaches, it appears to the court that the force was judiciously distributed and actively engaged.

The testimony which appears to conflict most with this statement, is that of Messrs. Randall and Mountain, which will be found in the record. Mr. Randall appears to have been in the Island of Cuba, with the exception of a short interval, from the 3d May until the 9th November, 1824. During this time he was much occupied in attending to the general duties of his mission; part of the time sick, and during the whole of it in a situation to hear all the rumors which might be in circulation in regard to piratical depredations. Most of the information which he has communicated, appears to have been derived from the representations of others; and however implicitly the court would feel disposed to rely upon the accounts given by that gentleman of facts which fell under his immediate notice, it cannot extend that confidence to others without some proof of the means they possessed of acquiring exact information, and the credit to which their statements are entitled. It is in evidence before the court that false and exaggerated reports of piratical aggressions were frequently circulated, and sometimes, as the witnesses have believed, for the express purpose of drawing off the attention of the squadron from scenes in which real danger existed. It also appears that such was the character of the vessels or boats in which, at this period, the pirates sallied out from their haunts—such the facilities afforded to these marauders by the inhabitants of Cuba, and the imbecility or inactivity of the constituted authorities—such the ease with which pursuit could be evaded by retiring to the shore, that Mr. Randall has expressed a decided conviction, in the correctness of which no doubt is entertained by the court, that no naval force, however large, or however vigilant, could, of itself, ensure safety from these freebooters.

The evidence of Mr. Mountain is also in a great measure founded upon the representations of others. So far as this witness speaks of the absence for several weeks at a time of the vessels of the squadron during the summer of 1824, without giving convoy at the Havana, the allegation is not sustained either by the testimony of Mr. Randall or that of the officers at that time in the neighborhood of Cuba. The former specifies the times of the arrival and departure of the various vessels of the squadron throughout the entire summer, so far as they fell under his own observation; the latter detail the general business in which they were severally occupied; and the court has been unable to detect, in the testimony of either, the period of time to which Mr. Mountain's assertion can apply. So far as regards the alleged employment of the squadron in other objects of inferior moment, the court is desirous of separating that part of the case from that which is connected with its general operations, and to state in detail, so far as they have been given in evidence, the facts which have transpired.

It appears to the court, upon a careful review, and after a deliberate consideration of all the testimony that has been submitted to it in regard to the manner in which the squadron under the command of Commodore Porter was employed during the period of his command, that everything was done towards the suppression of piracy, which could be accomplished with a force of that description, and of such limited strength. The number of men employed was small, and the greater part of the vessels engaged qualified only for a particular kind of operations. Their inconsiderable size rendered it impracticable to carry either provisions or water for any length of time; repairs were frequently required; the stores were furnished from the United States, and the cruises, therefore, necessarily of short duration.*

It appears, also, that the confinement of the officers and men in the small schooners and barges, upon the cruises and expeditions in which they were unremittingly occupied, exposed both by day and night to the baneful influence of a noxious climate—the necessities which drove them continually to Key West for the purpose of repairing the vessels and procuring supplies, combined to engender and add virulence to the malignant diseases which broke out and proved so destructive to life, compelling, for two successive seasons, the return to the United States of a large proportion of the squadron.

Under these circumstances, it appears to the court that the officers and men have eminently entitled themselves to the commendations which they have received. Commodore Rodgers, in his report dated November 24, 1823, observes, with ample means of judging, that "the vessels particularly purchased for the suppression of piracy, have done all that could be reasonably expected towards its suppression; indeed, they have searched every nook and corner on the whole coast of Cuba from which a pirate might be expected to issue; and besides capturing and destroying all that could be identified as being of that character, they have made impressions not to be erased from the minds of such monsters, so long as we keep a respectable force in their neighborhood, in readiness to chastise those whose temerity might induce them to renew their depredations, and which, in the present state of things, notwithstanding the scourging they have received, would be the case in the absence of such a force as I have described."

Captain Finch has stated in his testimony, that when he left Matanzas, in June, 1824, in company with Commodore Porter, he did not think there was any appearance of piracy in that quarter; and that a sufficient force was left there to keep it down. "In the then state of things," he continues, "I thought that force as competent to effect the object as a larger one would have been." He also states that he recollects but a single authenticated instance of piracy while he was with the squadron. It occurred in the neighborhood of Matanzas. Lieutenant Voorhees was immediately dispatched in the Sea Gull, in pursuit of the piratical vessel, and succeeded in capturing her in the course of a few hours.

Still more recently, the Committee on Naval Affairs, at the last session of Congress, in their report to the House of Representatives on the resolution of the 9th of December, instructing them to inquire into the expediency of providing an additional naval force, and other additonal means for the suppression of piracy, state: "That they have had the subjects proposed in the said resolution under their consideration,

* Letter from Com. Porter, December 21, 1822, to Purser Thornton. Letter from the Secretary of the Navy to the Naval Committee of the House of Representatives, of December 21, 1824.

and have made diligent inquiry into the operations of our naval force, which, for the last two years, has been employed in the Gulf of Mexico for the protection of our commerce, and the suppression of piracy. In this investigation, they feel a satisfaction in stating that the means employed have displayed the vigilance of the government, and the activity, zeal, and devotion of the officers and seamen who have been assigned to that perilous service; perilous, not from the numbers or courage of the enemy, but from the deleterious effects of a tropical climate upon natives of a more temperate region. The vessels assigned to this service, were better adapted to a short expedition, than to long and tedious cruises. They were too small to afford the room necessary to preserve the discipline and health of the officers and seamen assigned to them; yet they enabled the commander to scour the coasts, to penetrate into the shoal waters of the creeks and inlets to the very margin of the land; and, in effect, the pirates have literally been driven from the ocean, and confined to their fastnesses and haunts upon the land. Accordingly, their principal depredations for the last twelve or fifteen months have been confined to occasional sallies in boats and small craft, within one or two leagues of the shore. While these depredations have been more limited in extent and number, they have more frequently been attended with the most desperate and sanguinary destruction of the lives of the unfortunate victims."

Although the suppression of piracy was the principal, it was not the exclusive, object confided to Commodore Porter and the squadron under his command; nor was the attainment of that end to be accomplished singly by pursuing pirates into their haunts, and the destruction of their vessels and establishments. The general protection of the commerce of our citizens—the suppression of the slave trade, and the transportation of specie from the Gulf of Mexico to the United States, were pointed out in the original instructions from the Department, as subjects requiring special attention. Independently also of an entirely subordinate character, and temporary in their continuance, the surveys of the coasts of Florida, and of the adjacent islands and keys—the negotiation under a resolution of Congress, in regard to the establishment of buoys, lights, &c., in the vicinity of Bahama banks—the protection to be afforded to the timber on the public lands in Florida, were likewise committed to the same force. These last-mentioned objects are merely referred to, in general terms, to show the multifarious duties which this small force was instructed to perform. The others, as they continued throughout the entire period of the command of Commodore Porter, appear to require a more minute and detailed report.

In regard to the general protection of our commerce, it appears to the court that it was eminently entitled to the attention which it received; not merely from its general and obvious importance, but as one of the means of suppressing piracy. By affording convoy and adequate protection to private commerce, one of the principal inducements to piratical adventure was removed, and the probability of success in pursuing and destroying these freebooters increased, should they have the temerity to venture from their haunts. In no one particular does it appear to the court that the benefits produced by the squadron in the West India seas were more widely diffused, or greater in amount. This service, however, is one that can scarcely admit of being illustrated by reference to individual facts. It may, however, be particularly mentioned, that it is in evidence before the court, that every vessel in the squadron, in addition to her ordinary and specific duties, was engaged in affording convoy on all occasions, and in every quarter; that Lieutenant Skinner, alone, in the short period which intervened between the 30th March and the 3d July, gave convoy to about one hundred and eighty vessels. It also appears, by the report of the Secretary of the Navy, to the chairman of the Naval Committee of the House of Representatives, of December 21, 1824, that convoy was often declined, rather than submit to slight delays or changes in the course of the vessel; that insurance upon voyages to the West Indies continued unusually low, and that the offices add little, if anything, on account of the risk of piracy. On the whole, it appears to the court, that, so far as the amount and character of the force permitted, convoy was afforded to private trade in the West India seas and Gulf of Mexico, to the fullest possible extent, and to the greatest practicable advantage.

The suppression of the slave trade, also, required and received particular attention. "By direction of the Department, Commodore Porter, from time to time, dispatched one of the vessels of his squadron to the coast of Africa, to touch at Cape Messurado, minister to the wants of the agency there, and return by the usual track of the slave ships." Such practical benefit resulted from this application of the force at his disposal, that "none of these or any other of our public ships have found vessels engaged in the slave trade under the flag of the United States, and in such circumstances as to justify their being seized and sent in for adjudication."*

The next subject to which the attention of the court has been directed, is the transportation of specie, particularly from the Gulf of Mexico to the United States. From causes which have already been referred to, it has not been practicable to pursue this inquiry to the extent desired. In addition to the general instructions, already particularly referred to, orders were issued by the Department, of December 22d, 1823, by which Commodore Porter was authorized "to receive on board specie, and the articles permitted by the act for the better government of the navy, belonging exclusively to our citizens, and to carry them from one port or place to another, when it does not, in any degree, conflict with your other duties, or violate the laws of the country where you are. You may also bring to the United States specie belonging to our own citizens, but you are, in no case, to permit anything in the shape or character of public advertisements to be used for the purpose of giving information that you will carry it." "And, that the government may know the extent to which the commercial interests of our citizens are benefited by the assistance afforded by our public vessels on this point, and be prepared to answer any complaints on the subject which may be made by individuals or governments, you will, from time to time, make reports to this Department of all the specie and other articles you may carry, the places to and from which you carry them, and the circumstances, terms and conditions on which you do it."

On the 20th July, 1824, the Secretary of the Navy again expresses to Commodore Porter, that "it is the wish of the Department that you cause a portion of the force under your command to touch occasionally at the port of Tampico, in Mexico, and to afford protection to the citizens of the United States engaged in commerce with that port."

In obedience to the general instructions, the Shark, under the command of Lieutenant M. C. Perry, was dispatched in March, 1823, to the Gulf of Mexico.† On the 14th May the Peacock sailed from Thompson's Island to relieve him,‡ and thus at intervals of from six weeks to three months, a vessel was sent in that quarter, preparatory to her return to the United States.

* Report of Secretary of Navy, Dec. 1, 1824. † Orders of that date. ‡ Orders of May 7th.

After the receipt of the instructions of December 22d, 1823, a circular letter was addressed on the 30th of the same month, to the different commanders under his orders, forbidding them to take on freight any treasure, without special instructions to that purpose. On the 16th October, 1824, Commodore Porter reported to the Department the amount of specie which had at that time been transported by the different vessels under his command, since the preceding December. From this statement it appears that specie to the amount of $399,000 had been carried within that period, at the average freight of $1\frac{1}{4}$ per cent. One other vessel under his command, which appears to have carried specie, the Shark, commanded by Lieutenant Gallagher, is not included in this report, not having at its date arrived at the port of destination.* So far as the court has been able to ascertain the facts, it is inclined to believe that the amount of specie carried on freight, in the preceding year, did not equal in amount that which is stated in the report of Commodore Porter, as carried in 1824.

The orders under which Lieutenant Stevens acted, appear to have been given by the Department, on the application of the Bank of the United States, and, consequently, this appears to the court to have been a special employment of that officer and the vessel under his command by the government for public purposes.

The general character of the instructions given by Commodore Porter, in the year 1824, to the commanders of vessels bound to the Gulf of Mexico, may be ascertained from those annexed to the record, given to Captain Dallas, Lieutenant Stevens and Lieutenant Skinner.

After a deliberate and full consideration of all the facts that have been elicited upon this subject, in the progress of this investigation, it appears to the court to be abundantly proved by the testimony:

1. That the instructions given by Commodore Porter to his various officers, were strictly in accordance with those received by him from the Department, in relation to the transportation of specie; and in no instance did they transcend the provisions of the 23d article of the rules and regulations for the better government of the navy.

2. That the transportation of specie was in itself an object of sufficient moment, both to the government and the commercial interests of the country, to warrant the employment of the vessels of the squadron as frequently as they were sent to the Gulf of Mexico.

3. That the general protection of commerce, and the suppression of piracy, required the presence of an American armed vessel in the Gulf of Mexico, as frequently as one was dispatched there, and at the places to which it was sent, entirely independent of any special view to the transportation of specie.

4. That in no one instance was the transportation of specie made anything more than wholly subordinate, and ancillary to the general objects for which the squadron was employed. That in many instances detailed in the testimony, various officers declined to receive specie on board, when it might have been obtained, in consequence of their extreme anxiety to obey the orders which they had received, not to permit this subject to intefere, in any degree, with the general objects of their cruise.

5. The court has not been able to discover a single instance in which any vessel, on board which Commodore Porter was at any time, under any circumstances, received any specie to be carried on freight.

6. That the proportion of the freight paid over to him as the commander-in-chief, was paid as the voluntary and spontaneous act of the different officers, who carried the specie, without any provision by law, or any demand by Commodore Porter himself, but simply in conformity with general custom.

The court has thus, in obedience to the orders of the Department, gone through the investigation which it has been required to make. The result of this laborious inquiry has already been stated in detail. In concluding this report, it may be sufficient to add, that the manner in which the squadron, under the command of Captain Porter, was employed, during the period of his command, appears to the court to have been highly honorable to him, and to the officers and men employed—that the said forces were employed in the suppression of piracy, in the most effective manner in which they could be employed, in conformity with the orders and instructions from the Department, and that no part of them was on any occasion engaged in objects of inferior moment, to the injury of the public service.

All of which is respectfully submitted.

I. CHAUNCEY, *President.*

RICHARD S. COXE, *Judge Advocate, May* 23, 1825.

PUBLIC DOCUMENTS.

Extract from the President's message to both Houses of Congress, at the commencement of the second session of the seventeenth Congress, dated December 3d, 1822.

A report from the Secretary of the Navy will communicate the progress which has been made in the construction of vessels of war, with other interesting details respecting the actual state of the affairs of that Department. It has been found necessary for the protection of our commerce, to maintain the usual squadrons on the Mediterranean, the Pacific, and along the Atlantic coast, extending the cruises of the latter into the West Indies, where piracy, organized into a system, has preyed on the commerce of every country trading thither. A cruise has also been maintained on the coast of Africa, when the season would permit, for the suppression of the slave trade; and orders have been given to the commanders of all our public ships, to seize our own vessels, should they find any engaged in that trade, and to bring them in for adjudication.

In the West Indies, piracy is of recent date, which may explain the cause why other powers have not combined against it. By the documents communicated, it will be seen that the efforts of the United States to suppress it, have had a very salutary effect. The benevolent provision of the act, under which the protection has been extended alike to the commerce of other nations, cannot fail to be duly appreciated by them.

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* Testimony of Mr. Randall.

Report of the Secretary of the Navy, accompanying the President's message, December 3, 1822. *See page* 189.

Extracts from the Journal of the House of Representatives, second session of the 17*th Congress, page* 21.

5. *Resolved,* That so much of the President's message as relates to the navy and the suppression of piracy, be referred to the Committee on Naval Affairs. Dec. 10, 1822.

Page 33. Mr. Condict submitted the following resolution:

Resolved, That the Committee on Naval Affairs be instructed to inquire and report, as early as may be, what further measures are necessary, not only for the more efficient protection of our commerce in the West Indian seas from piracy, but for the entire extirpation of those freebooters, and the punishment of those who may be found to aid and abet them. Dec. 10, 1822.

Page 33. The President's message to the House of Representatives, dated December 6th, 1822:

Recent information of the multiplied outrages and depredations which have been committed on our seamen and commerce by the pirates in the West Indies and Gulf of Mexico, exemplified by the death of a very meritorious officer, seems to call for some prompt and decisive measures on the part of the government. All the public vessels adapted to that service, which can be spared from other indispensable duties, are already employed in it: but, from the knowledge which has been acquired of the places from whence outlaws issue, and to which they escape from danger, it appears that it will require a particular kind of force, capable of pursuing them into the shallow waters to which they retire, effectually to suppress them. I submit to the consideration of Congress the propriety of organizing such a force for that important object.

(Signed) JAMES MONROE.

Page 34. *Ordered,* That the said message be referred to the Committee on Naval Affairs. December 10, 1822.

Page 45. Mr. Fuller, from the Committee of Naval Affairs, to which was referred the message from the President upon the subject of piracy, reported a bill authorizing an additional naval force for the suppression of piracy; which bill was read the first and second time, and committed to the Committee of the Whole House on the State of the Union. December 13, 1822.

Page 46. The House resolved itself into a Committee of the Whole on the State of the Union; and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Lathrop reported the bill authorizing an additional naval force for the suppression of piracy, thereto committed this day, with an amendment, which was read and concurred in by the House; and it was

Ordered, That the said bill be engrossed, and read a third time to-day;

The said bill being engrossed, was read the third time and passed.

Ordered, That the title be "An act authorizing an additional naval force for the suppression of piracy," and that the clerk do carry the said bill to the Senate, and desire their concurrence therein.

Extract from the Journal of the Senate, 2*d session,* 17*th Congress, page* 26, *vol.* 16, *dated December* 12, 1822.

Mr. Rodney submitted the following motion for consideration:

Resolved, That the Committee on the Judiciary be directed to inquire into the expediency of continuing in force the act entitled "An act to protect the commerce of the United States, and to punish the crime of piracy;" and also, of making such further provisions on the subject as may be deemed proper for the security of our citizens, the safety of our commerce, and the punishment of the offence.

From the same, vide page 32, *dated* 16*th December,* 1822.

The Senate resumed the condsideration of the motion of the 12th inst., for directing the Committee on the Judiciary to inquire into the expediency of making further provisions by law for the suppression of piracy; and agreed thereto.

Resolved, (page 34,) That so much of the President's message as relates to naval affairs, and the suppression of piracy, be referred to the Committee on Naval Affairs.

The Senate resumed, as in Committee of the Whole, the consideration of the bill authorizing the President of the United States to employ an additional force for the suppression of piracy; and

On motion of Mr. Van Dyke,

Ordered, That it lie on the table.

Extract from the Journal of the Senate, 2*d session,* 17*th Congress, vide page* 35, *vol.* 16, *dated Dec.* 16, 1822.

The House of Representatives have passed a bill entitled "An act authorizing an additional naval force for the suppression of piracy."

Ordered, That they severally pass to the second reading.

On motion,

The bill entitled "An act authorizing an additional naval force for the suppression of piracy," was read the second time by unanimous consent, and it was taken up and considered as in Committee of the Whole, and no amendment having been made thereto, it was reported to the House; and

Ordered, That it pass to a third reading.

On motion, it was read a third time, by unanimous consent.

Resolved, That this bill pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

CHAP. 1.

An act authorizing an additional naval force for the suppression of piracy.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:* That the President of the United States be, and he hereby is, authorized to purchase or construct a sufficient number of vessels, in addition to those now employed, of such burthen and construction as he may deem necessary, and to fit, equip, and man the same for immediate service, for the purpose of repressing piracy, and of affording effectual protection to the citizens and commerce of the United States in the Gulf of Mexico, and the seas and territories adjacent.

SECT. 2. *And be it further enacted*, That the sum of one hundred and sixty thousand dollars be appropriated to meet the expenditure to be incurred as aforesaid, and paid out of any money in the treasury not otherwise appropriated.

Approved December 20, 1822.

The Secretary of the Navy to the President of the United States.

NAVY DEPARTMENT, *September* 21, 1823.

President Monroe:

SIR: I feel it to be my duty to represent to you the following facts, and to request the favor of your opinion respecting the course proposed.

On the 17th of this month, by the arrival of the Beagle, at this place, from Thompson's Island, the Department was furnished with reports from the commanding officer, and the surgeons at that station, up to the first of September, by which we learn that the John Adams, and several smaller vessels, were at that place; that, about the 20th of August, the yellow fever made its appearance, with considerable malignity; that several deaths had occurred, among which were two lieutenants, Potter and Somerville; two midshipmen, Marshall and Reed; the captain's clerk, Thomas; a carpenter, two seamen, a gunner, a cooper, and a steward; that Commodore Porter and twenty-one officers and men, were sick; the commodore in a state of great debility, but good hopes were entertained of his recovery. By the arrival of Lieutenant Boarman, yesterday morning, we have verbal information to the 8th of September, when Commodore Porter remained much as he was on the 1st; between the 1st and the 8th, there had been several deaths, and among them two lieutenants and two midshipmen; and the fever did not in any degree abate. All the *surgeons* were sick, and four surgeons' mates constitute the whole medical skill at the station.

A careful examination of the reports of the sick, and minute inquiries of several officers who have been there, do not satisfy me that the fever originated on the island; but I incline to the opinion, that the infection may, in every instance, be traced to other places; but, whether it originated there, or be imported, the destruction of valuable lives is equally to be lamented, and the effects upon the service equally demand attention. Accounts from that place, some of them very exaggerated, find their way to the public prints, and create painful anxiety with the friends of those who are there, and will, it is to be feared, unless promptly corrected, produce feelings in the nation, which will be essentially injurious to our important interests in that quarter.

The value of that station for the suppression of piracy, and the protection of commerce, is perfectly understood by you. It ought not readily to be deserted. It is very desirable to save it, while we take the most effectual means to protect the valuable lives of our officers and men. It is impossible to leave them there, especially, situated as the commanding officer is, without taking some decisive measure for their relief; and, to order their immediate removal, with our present information, would seem hazardous and improper.

Two or three surgeons and surgeons' mates have been ordered, and are on their way to the island. And, in order to obtain the best advice in my power, I have submitted to Dr. Cutbush, and four other surgeons, now in the city, all the information which I could procure; stated to them the time within which an order for removal could be executed, and required their opinion on the propriety of attempting a removal of the vessels to some northern port. Their report will be made to me at eight o'clock to-morrow morning, and I shall, probably, send you a copy. Their opinion must, necessarily, be less safe than if formed on the spot; but it may be a useful aid in determining on the course to be pursued.

The plan which I propose for your consideration, and which I shall adopt, if you do not disapprove it, is the following:

Prepare the Shark, now at New York, to sail to Thompson's Island, as speedily as possible; send in her one of the oldest and most experienced officers in the navy, with three of the most skillful and intelligent surgeons; direct them, in connection with Commodore Porter, (if his health will permit,) to investigate thoroughly the origin, causes, and progress of the disease; the nature and situation of the island in reference to health, at this season of the year; the present state and probable health of the station; with authority either to retain the vessels there, or, if necessary, remove them to a northern port, until the advance of winter shall justify their return to that latitude.

The Shark can sail in less than ten days; will probably take ten more to reach the island; and a

removal may be effected in five more, if it be found necessary; I presume the officers who go out, may return in about four weeks from the time the vessel sails.

I believe I should select Commodore Rodgers for this purpose and have consulted him about it. He approves the plan, and with his usual promptness in the public service, expressed a wish to partake in its execution.

The following benefits would result:

1st. The best medical assistance will, in this way, be furnished to the sick, at that station, and many valuable lives may be saved.

2d. The public mind will be quieted by a precise knowledge of facts.

3d. A station, necessary to the objects for which the government sent out the expedition, will probably be continued and secured.

4th. We shall obtain the safest information to guide us on all future occasions.

I shall be pleased if this plan meet your approbation, and shall make the necessary arrangements for it, not, however, giving any orders which will create difficulty, should you disapprove it. Please to favor me with an answer by the express.

I am, sir, very respectfully, &c., SAM'L L. SOUTHARD.

The Secretary of the Navy to Commodore Rodgers.

NAVY DEPARTMENT, *September* 29, 1823.

DEAR SIR: I enclose your orders. You are already well acquainted with the views of the Department, and of the President, in relation to your visit to Thompson's Island, and the motives by which it has been induced.

On your arrival there, you will, of course, communicate freely with Commodore Porter respecting them, should he still be there, and in a situation to receive your communications. The uncertainty whether he be still living; the anxiety felt by the government and nation for his safety; the numerous reports of the sickly state of the officers and crews of the vessels, and of those who are on the island; and the desire to furnish the most prompt and effectual relief; are among the principal causes which have created the wish that you should undertake the expedition. In its faithful execution, and beneficial results, I have strong confidence; and am, dear sir, very respectfully, yours,

SAM'L L. SOUTHARD.

JOHN RODGERS, Esq., *Capt. U. S. Navy, President Naval Board.*

The Secretary of the Navy to Commodore Rodgers.

NAVY DEPARTMENT, *September* 29, 1823.

SIR: You will proceed in the schooner Shark, from New York, to Thompson's Island, as speedily as circumstances will permit, taking with you Surgeons Marshall, Heerman, Harris, and Washington, who will obey your orders, and render all the assistance in their power in accomplishing the objects of your expedition. If either of them is prevented from joining you before you sail, you will require the attendance of Surgeon Hoffman, or any other of the surgeons, at New York, to supply his place.

If any officers be wanting to make up the complement of the Shark, you will select such as are necessary, at New York. When you shall arrive at Thompson's Island, you will investigate, with the utmost care, the origin, progress, and present state of the sickness, which prevails on the island, and in the squadron; the condition of all the vessels which are there; the localities of the station, in reference to health, and every matter which may be necessary and proper, to enable you to form a correct opinion, both of the propriety of continuing the vessels at that station, and of using it hereafter during the sickly season.

After having made the necessary inquiries, you will either take such measures as shall seem proper, in reference to the health and comfort of the squadron, *leaving it where it is;* or you will order it removed, *for the present,* to Pensacola, Norfolk, or some more northern port. In either event, an early and minute report on this subject, to this Department, is desirable.

Uncertainty as to the present state of Commodore Porter's health, furnishes one strong motive for your visit. If his health permits, he will furnish the most safe information and best assistance in accomplishing your object; and if the squadron be left there he will remain in command, if his health permit, and if it be his wish. If his health require a visit to the United States, you will place some other in command, and make report thereof as soon as practicable.

The surgeons who go with you will render to the sick all the aid in their power, consistently with the other duties they have to perform; and they will return with you, and join the several stations from which they are taken, reporting to this Department the time of their arrival.

You will be at liberty to return in the Shark, Grampus or any other vessel at the station, which you shall think best for the service. It is supposed you may accomplish the objects in view, and return to this place, in about five weeks from the time the Shark sails.

I am, very, respectfully, sir, your most obedient servant,

SAM'L L. SOUTHARD.

JOHN RODGERS, Esq., *Captain U. S. Navy, President of the Navy Board.*

Commodore Rodgers to the Secretary of the Navy.

No. 1.

UNITED STATES SCHOONER SHARK, *Hampton Roads, November* 16, 1823.

SIR: In the prosecution of your instructions of the 29th of September last, you have already been informed of the time of my departure from New York, in the United States schooner Shark.

I have now the honor to inform you, that on the 23d of October, I reached Thompson's Island, accompanied by Surgeons Harris, Washington, and Hoffman, of the navy, after a passage of seventeen days, in which we experienced much rough, disagreeable weather, it raining more or less every day but one, for thirteen days.

On reaching the island, and not finding any of the public vessels of war except the Porpoise, the first objects to which I directed my attention were, to ascertain the state and condition of the sick remaining on it; and, as far as practicable, the cause or causes which had produced such disastrous consequences to the health of the officers, seamen, and marines, stationed on the island, and on board of several of the vessels, which had previously had access to it as a rendezvous. For this purpose, I accordingly addressed a letter (of which the enclosed No. 1 is a copy) to Surgeons Harris, Washington, and Hoffman. By their answer, (No 2, herewith enclosed,) you will perceive that they do not consider the disease attributable entirely to any one cause, but to a variety of causes, such as they have described.

That the reasons which they have assigned are correct, there can be but little doubt; but to which of them is to be attributed the most powerful agency in producing the disease, is still a matter of speculation, or, at least, very questionable.

The island, it must be admitted, does contain localities of a character calculated, when assisted by other causes, and perhaps only slight ones too, to generate bilious, and probably malignant fevers; yet I must confess, that I still entertain doubts, whether those causes have had, in the present instance, so decisive an agency in producing the late fatal malady, as they may, at first view, seem to have had.

From the little experience I have had, my opinion is, that the climate of Thompson's Island is similiar to the West India islands generally; that its air is perhaps less salubrious than some, but more so than others; and that, notwithstanding the objections which may be urged against it, on account of particular defects, arising from its small elevation above the level of the sea, the unevenness of its surface, and the many salt and fresh water ponds which it is said to contain; still, that it is, from the excellence of its harbor, and its peculiar station on the map of this western hemisphere, too important an object, in a political and commercial point of view, to be suffered to remain unoccupied and unregarded; for, admitting its climate, in its present unimproved state, to be as unfriendly to health as even that of the colony of Surinam, it is, notwithstanding, susceptible of being so improved, or, at least, the dangers attending it so much diminished, by artificial means, (such as I will hereafter describe,) as to render the objections to it, if not harmless, at least comparatively small.

Previous to leaving the island on the third inst., I had sent, by the advice of Surgeons Harris, Washington, Hoffman and Williamson, (as I have already informed you,) all the sick, whose situations appeared to require a removal, to a more northern climate. Those who still remained on the island, at the time of my departure, were all well, except some convalescents, and a few with mild intermittent fevers; all of whom, it was believed, however, would be restored to health again by the return of cooler weather; indeed, for the last three days previous to our sailing, the wind had prevailed with much force from the north, and had rendered the air comparatively much purer, cooler, and exhilirating, than it had been for some days before, so much so as to induce a belief that the season of health had commenced, and that its salutary effects would be immediately felt by those who have suffered by the long continuance of heat.

Previous to leaving the island, I made such arrangements, and saw things placed upon such a footing, as to warrant the most sanguine anticipation of favorable results, and such as might have been expected, had Commodore Porter's health permitted him to continue on the station.

For the few changes which I found it necessary to make in the disposition of the several vessels left on the station, permit me to refer you to the accompanying papers 1, 2, 3, 4, 5, 6, 7, 8, 9.

With great respect, I have the honor to be, sir, your obedient servant,

JOHN RODGERS.

The Hon. SAMUEL L. SOUTHARD, *Secretary of the Navy, Washington.*

Doctors Harris, Washington, and Hoffman, to the Secretary of the Navy.

No. 2.

U. S. SCHOONER SHARK, *Thompson's Island, October* 29, 1813.

SIR: In conformity with the instructions contained in your communication of the twenty-fourth inst., we have carefully inquired into, and deliberately considered, the various points to which you have directed our attention.

On examining this island, we find that it is of a secondary calcareous formation, and is thinly overspread with a light vegetable mould. The shores are somewhat elevated above the interior grounds by the surf continually throwing up pulverized shells, which give a concave form to its superfices. It is thickly covered with small trees and shrubbery, principally of the mangrove variety, and grasses of several species grow with great luxuriance.

So far as our observations have enabled us to determine, we are of opinion that nearly one-half of the island is occupied by salt and fresh water ponds.

It has been ascertained that the surfaces of these ponds are on a level with the surrounding ocean, yet but one of them has any connection with it, by reason of the natural embankments to which we have already alluded.

The purest water of the island is in some degree brackish, but has not, so far as we can learn, produced any unfriendly effect on the health of those who have used it freely as a drink.

During the dry season, which continues from about the middle of September to the middle of June, many of the ponds either dry up, or shrink considerably within the boundaries to which they are dilated during the rainy season.

The surface being thus imperfectly overflowed, presents a mass of vegetable and animal matter, to which the climate adds every other circumstance necessary to give miasm its most powerful effect on the human frame. The gales and retiring tides frequently deposit on the shores a quantity of sea-weed, which undergoes a rapid decomposition, and thus contributes, in a limited extent, to vitiate the atmosphere.

To these miasmatic causes of disease, were added others of equal, if not greater magnitude.

They have arisen:

1. From the sudden exposure of northern constitutions to a tropical climate, at a period when the ordinary relaxing effects of a change from a cold to a warm season were aggravated by a difference of fourteen or fifteen degrees of southern latitude. From this cause, they were, in the space of two or three weeks, operated upon by an increase of temperature of at least fifty degrees.

2. From the great fatigue and exposure, by day and night, of the officers and crews engaged in the boat service, and from the want of comfortable quarters for those who had encamped on the island.

3. From irregular, and, frequently, intemperate habits.

4. From being often deprived of fresh and wholesome provisions.

5. From the continued annoyance of mosquitoes and sand-flies, which deprived the men of their accustomed rest. So insupportable, indeed, became these troublesome insects, that the men were frequently obliged to retire to the beach, where they walked the greater part of the night. Others, we have been informed by the officers of the station, would row off in boats some distance from the shore, and thus expose themselves either to the heavy dews or drenching rains peculiar to this climate.

6. From being operated upon by the depressing passions arising from apprehension, awakened by the prevailing epidemic, and by the obvious want of comfort of those who were affected with disease.

These fruitful sources of fever will abundantly account for their extent and fatality. Taking into consideration the great liability of persons from the higher latitudes, to disease, when even slightly exposed to hardships in the tropics, it ought not to be a subject of surprise that the severely arduous service in which our officers and crews have been engaged, have occasioned so many sacrifices of valuable lives.

The squadron under the command of Commodore Porter sailed from Nolfolk on the 14th of February, proceeded directly to the West Indies, as far south as St. Domingo, and then, returning north, took possession of this island on the 3d of April.

The first cases of fever which presented themselves to the notice of Dr. Williamson, the surgeon of the station, were of a bilious character, and which readily yielded to the agency of medicines.

On the 20th of April, a servant in the family of Mr. Symington, was attacked with yellow fever. With the exception of this case, bilious fever continued the prevalent disease until early in June, when it assumed, in many instances, a highly malignant form. This disease now commenced on board the store ship Decoy, which was rendered unhealthful by the impurity of her hold. A quantity of ballast was put aboard from this island, containing shell-fish and sea-weed, which, by the heat of a tropical climate, was thrown into a state of putrefactive fermentation. Two of the cases, however, which occurred on board this vessel, were contracted by imprudent exposure to a noon-day heat in the streets of Havana.

About the latter end of July the yellow fever prevailed, with great malignancy, at all the establishments on the island. From the various causes already stated, the disease, in very many instances, necessarily proved fatal.

The malignant fever continued epidemic until about the first of October, when its type again changed to an intermittent.

We have been unable to ascertain the precise number of deaths, in consequence of the absence of the medical officers who had charge of the Allenton hospital.

It appears from the report of Dr. Williamson, that there are fifty-nine persons now sick at the different hospitals on the island. We have visited these establishments, and have found the patients sinking under the influence of debility, despondency, and the ravages of disease. Such of them as recover, commonly relapse in the course of a day or two, after being restored to duty. As in relapses generally, each succeeding attack becomes more unmanageable.

It appears, then, that they cannot be restored to perfect health in their present situation; and being, in this state, only a burden to the public service, we do, from motives of policy, as well as of humanity, respectfully recommend their immediate removal to a more northern station.

We beg further to recommend, that the large brig, now in the harbor, and which has been already designated as a hospital, should be suitably fitted up for the reception of those who may be hereafter attacked. By anchoring this vessel some distance to the windward of the island, the sick will inhale a pure atmosphere, will be protected in comfortable quarters, and, being without the reach of annoying insects, will enjoy such repose and tranquillity, as are essential to the successful treatment of their diseases.

We have the honor to be, very respectfully, your obedient servants,

THO. HARRIS, M. D.,
B. WASHINGTON, M. D.,
RICH. K. HOFFMAN, M. D.,
Surgeons of the Navy.

Com. JOHN RODGERS, *President of the Board of Navy Commissioners.*

Commodore Rodgers to the Secretary of the Navy.

WASHINGTON, *November* 24, 1823.

SIR: In my communication to you of the 10th instant, I informed you that although objections might be urged to the climate of Thompson's Island, on account of the number of salt and fresh water ponds, and the abundant growth of timber which it contains, yet, even in its present state, and admitting such

objections to be well founded, still they might be rendered harmless, or, at any rate, greatly diminished, by the introduction of artificial means.

By the official report of Surgeons Harris, Washington and Hoffman, now in your possession, you have been made acquainted with their opinions respecting the localities of the island, so far as regards the form of its surface, the nature of its soil, timber, and other particulars; in all which, they have given as minute a description as the most unremitting attention, considering the length of time they were there, and the means of information afforded them, would admit.

These, together with the high reputation which those gentlemen sustain for science and professional skill, leave no doubt in my mind that their report upon the subject has been judicious, and such as the time and circumstances under which they visited the island, would seem to point out as being the most safe and discreet; but, after all that has been said, it must be admitted, notwithstanding their unintermitting industry to find out the true causes of the disease, that they were, after considering the only facts presented to their view, obliged to attribute it to a variety of causes, and, among the number, those which are known to be inseparable from the arduous nature of the service in which many of the officers and men were engaged, and the consequent exposure to which they were unavoidably subjected.

This being the case, you will, sir, at once perceive that it must still remain doubtful, whether the air of the island contributed more, or even as much as other causes, in producing the disease; for which reason I am led to remark, that it might be unsafe to condemn it as an unsuitable rendezvous for our vessels employed in the West Indies and Gulf of Mexico, until we shall have had, under different circumstances, more experience of its climate than we have yet had.

As an auxiliary to an extensive and permanent southern naval depot, (perhaps at Pensacola,) such as a proper security for our commerce, and the permanent union of the States, seem to render indispensable, it will be found, I am inclined to believe, that the island in question will soon become an object worthy the serious attention and consideration of the government.

Nature has made it the advance post from which to watch and guard our commerce passing to and from the Mississippi, while, at the same time, its peculiar situation and the excellence of its harbor point it out as the most certain key to the commerce of the Havana, to that of the whole Gulf of Mexico, and to the returning trade of Jamaica; and I venture to predict that the first important naval contest in which this country shall be engaged will be in the neighborhood of this very island.

Without further remark on this interesting subject, permit me, sir, to observe that, whatever objections may be made to the island as a rendezvous, in its present unimproved and uncultivated state, even these may be rendered harmless, or at least measurably unimportant, by substituting the following description of force for that now employed in the protection of our commerce in the West Indies and Gulf of Mexico:

The Independence 74, depriving her of her lower deck guns, and giving her a crew of four hundred and fifty seamen, ordinary seamen, boys, and marines, with an extra complement of commission officers, and double the usual number of midshipmen; the sloops-of-war John Adams, Hornet, and such other vessel of that class as can, from time to time, be spared from other service; the brig Spark, and schooners Grampus, Porpoise, and Wild Cat, and five or six barges, such as are now at Thompson's Island, for occasional service.

The vessels particularly purchased for the suppression of piracy have done all that could reasonably have been expected towards its suppression; indeed, they have searched every nook and corner on the whole coast of Cuba from which a pirate might be expected to issue; and, besides capturing and destroying all that could be identified as being of this character, they have made impressions not to be erased from the minds of such monsters, so long as we keep a respectable force in their neighborhood in readiness to chastise those whose temerity might induce them to renew their depredations, and which, in the present state of things, notwithstanding the scourging they have received, would be the case in the absence of such a force as I have described.

On the adoption of the before-mentioned force, the other vessels purchased for the suppression of piracy might be sold; a circumstance very much to be desired, as their longer employment would be found not only useless, and dangerous to the health and comfort of those employed in them, but subversive of that discipline by which our navy acquired its character, and for which, at one time, it may be said to have stood unrivaled by any other.

I have the honor to be, with great consideration and respect, sir, your most obedient servant,

JOHN RODGERS.

To the Hon. Sam'l L. Southard, *Secretary of the Navy.*

Report of the Secretary of the Navy.

Navy Department, *December* 1, 1823.

The President of the United States:

Sir: In obedience to the request contained in your letter of the 10th ultimo, I submit, respectfully, the following statement of the administration of this Department, during the present year, comprehending the number of vessels commissioned; the number in ordinary, fit for service, or requiring repairs; the progress made in building vessels; with the disbursements of the Department, and the service in which the vessels have been employed; with such observations on the whole subject as are deemed proper.

Letter 1, from the Commissioners of the Navy, with papers A, B, C, D, and E, which accompany it, exhibit:

1. The vessels-of-war in commission, with the service in which they are employed. See A.

2. The vessels in ordinary, on the Atlantic board and on the lakes, with the state of repairs of each vessel.—B and C.

3. The progress made in building, under the law "to increase the navy of the United States."—D. By this it appears that four ships of the line have heretofore been built, and that five ships of the line and five frigates of the first class are now building; some of which *might* be launched in thirty days; and all, except one, in one hundred and twenty days.

4. A general view of the improvements of the several building yards. In some of the yards additional improvements are now necessary for their comfortable and economical administration.

5. The disbursements of the Department during the three first quarters of the present year, up to the 30th September. (2.) The disbursements of the year 1822 appear by the report made to Congress in the month of February last. It appears that $1,984,520.74 have been drawn from the treasury between the 1st January and 30th September, leaving on the latter day $2,218,168.66 unexpended of the amount applicable to the service of the year. Of this unexpended balance, a large proportion will be used during the remaining quarter; and a minute statement of the whole will be furnished to Congress in the annual report required from this Department.

On paper A, it is to be remarked, that the frigate Constitution, sloop-of-war Ontario, and schooner Nonsuch, are in the Mediterranean, under the command of Captain Jones. No change in the amount of force, in that sea, has been made within the year. It has been found competent to all the purposes for which it is maintained. Our commerce there has been amply protected; the officers and seamen have enjoyed good health, and no circumstance has occurred worthy of particular notice. While our relations with other powers continue friendly, any large augmentation of that portion of our naval force will not be necessary. In the coming year it is not proposed materially to increase or diminish it. The Cyane and Erie will, in a short time, relieve the Constitution and Ontario, that they may return home, discharge their crews, whose term of service will soon expire, refit, and resume their station. For this purpose the Erie, Captain Deacon, sailed from New York on the 8th November, and the Cyane, Captain Creighton, will sail in a few days.

On the same paper, A, it is to be further remarked, that the Franklin, ship of the line, and the schooner Dolphin, of 12 guns, are still in the Pacific ocean, where they have remained for more than two years, under the command of Captain Stewart. By the presence of this force on the coasts of Chili and Peru, depredations on our growing commerce have been, in a great degree, prevented, and respect for our interests and flag secured.

Capt. Stewart will return to the United States in the course of this winter, or early in the ensuing spring; and, in the place of the Franklin, it is proposed to substitute the frigate United States, and the Peacock, sloop-of-war, of 18 guns. Such a division of the force, it is believed, will more extensively protect the flag and commerce of the United States, and permit the commanding officer, with the larger vessel, to be absent from the usual cruising grounds for a short time, should circumstances render such absence necessary. Captain Hull will sail, in a few days, from Norfolk, in command of these vessels.

The Cyane, Captain Spence, and the Shark, commanded by Lieut. M. C. Perry, have, for short periods, cruised upon the coast of Africa, to carry into effect the intentions of the government, in the suppression of the slave trade, and the protection of the agency for liberated Africans, established at Cape Messurado.

While Captain Spencer was at Sierra Leone and the Cape, he fitted out the Augusta, a small schooner, which was found on the coast, deserted and dismantled, and placed under the command of Lieut Dashiell, to cruise in the neighborhood of the Cape, with the conviction that its presence was at that time essential to the protection of the agency, and might be useful in preventing the traffic in slaves. It still remains upon that coast.

During the time that Captain Spence and Lieutenant Perry were cruising, they neither saw nor heard of any vessel, under the American flag, engaged in the slave trade. If citizens of the United States are still employed in that traffic, they seem to have been driven to conceal themselves under the flags of other nations.

The agency at Cape Messurado, for receiving recaptured and liberated Africans, enjoyed favorable prospects, until late last fall, when it was assailed by a large body of the natives, and in danger of being entirely destroyed. Some of the liberated Africans were killed in the contest. The extracts of letters from Captain Spence, Lieutenant Perry, and Messrs. Ashmun and Ayres, will show the manner in which they were able to defend themselves, with the aid of a midshipman and several men belonging to a British vessel of war, then in the neighborhood. The establishment having passed through this trial, now promises to accomplish all the benefits anticipated from it. In order to afford it the necessary protection, and continue our exertions to repress the slave trade, it is proposed, as the most efficient and economical arrangement, that the commander of the West India squadron shall, from time to time, detach one or more of the vessels belonging to his command, to cruise along the African coast, occasionally touching at Cape Messurado, and ministering to the wants of the people there; and following, in their return, the usual track of the slave ships.

Eleven Africans, none of whom could speak the English language, were, some months ago, brought by a Capt. Chase, as mariners, into the port of Baltimore, and were there taken into the possession of the officers of the government, and an investigation instituted into the supposed violation of our laws in introducing them. By means of an interpreter, who understood the languages of all, except one or two of them, it was subsequently discovered, that they belonged to tribes in the neighborhood of Messurado, and that some of them were of the head men of their tribes. It was therefore believed that their restoration by this government would produce a salutary effect; and an inquiry was directed to be made through the interpreter, whether they were willing to return to Africa. Such being found to be their wish, they were, in the early part of October, sent to our agent at Messurado, with directions to permit their return to their several homes, by the best and most expeditious means.

So far as the Department is yet apprised of the expenditures for the agency during the present year, they have amounted to $7,287.48 cents.

On the western side of the Atlantic ocean, and in the Gulf of Mexico, the operations of our naval force have been more active. Several vessels were in commission there, at the close of the last year. To these were added, under the authority of the law passed at the last session of Congress, "authorizing an additional naval force for the suppression of piracy," the steam galliot Sea Gull; eight small schooners, the Grayhound, Jackall, Fox, Wild Cat, Beagle, Ferret, Weasel, and Terrier; five barges, the Musquito, Gnat, Midge, Sandfly, and Gallinipper; and one transport ship, the Decoy.

Capt. David Porter was appointed to the command of the squadron, and sailed from Norfolk about the 10th of February last. His station was at Thompson's Island, from which he dispatched his vessels, in such way as he judged best suited to attain his objects. The annexed extracts from his letters and reports exhibit the results.

The size of most of the vessels, the nature of the duties, and the exposure of the officers and men, called

for a display of perseverance and fortitude seldom required of those engaged in our service; but the call was well answered. Everything was accomplished which was anticipated from the expedition. Piracy, as a system, has been repressed in the neigborhood of the Island of Cuba, and now requires only to be watched by a proper force to be prevented from afflicting commerce any further in that quarter. The public authorities of the Island of Cuba manifested a friendly disposition towards the squadron, and rendered much assistance in the pursuit of its objects.

On the 5th March, as Lieutenant Cocke, in obedience to the orders of Captain Porter, was entering the harbor of St. Johns, Porto Rico, in the schooner Fox, he was killed by a shot from the castle. Extracts from the correspondence between Captain Porter and the governor of the island, are annexed.

The squadron was healthy and prosperous until about the middle of August, when a malignant fever broke out at the station, and destroyed many valuable lives. The first reports of this calamity were brought to the Department on the 17th September. At the time they left the island, Captain Porter and most of the medical officers were sick, and there was great cause to fear that the squadron would be deprived of its commanding officer, and of the medical assistance necessary to its safety. Under these circumstances it was considered expedient to send to the station an officer of rank and experience, with a sufficient number of surgeons, to furnish, in any event, the aid necessary for the safety and proper conduct of the squadron, with power to remove it, should that be found necessary. Captain Rodgers cheerfully consented to encounter the hazard and responsibility attendant on such an expedition. He sailed from New York as soon as such a vessel could be prepared for the purpose; but, before his arrival, Captain Porter had become convalescent, and, with the greater part of the squadron, had returned to the United States. The report of these officers will fully explain their views of the causes of the disease, and the means by which a recurrence of it may be prevented.

It is believed that the Florida station is incalculably important to some of the best interests of this Union; and that it ought not to be deserted until every expedient has failed to render it a secure and healthy position for our vessels. I feel great confidence in the opinion that it may be made such, without encountering great hazard of the evils we have heretofore suffered.

For the protection of commerce, and the suppression of piracy in the western Atlantic and Gulf of Mexico, it is proposed, in the ensuing year, to continue Thompson's Island as the station for the vessels employed in those objects; to place there a ship of the line, armed and manned as a frigate, for which purpose the Independence is well fitted; and to attach to the command the John Adams and Hornet, and one other sloop-of-war, with four of the larger schooners, the Grampus, Porpoise, Shark, and Spark, one of the smaller schooners, and the barges. This force is competent to protect all our interests. The ship of the line, placed in a proper position, will afford comfortable accommodations to those who are obliged to remain at the station, and prevent the necessity of intercourse with the island, when danger is suspected. The cruises of the other vessels, except those which visit the coast of Africa, may be limited to four, five, or six weeks, and, on their return, their crews may be exchanged for others, who, during that time, have been stationary. By these means, and a proper attention to cleanliness, both in the men and the vessels, and avoiding intercourse with places known to be sickly, the health of all will probably be preserved. For the proper execution of such a system, full reliance may be placed in our officers. The island itself, by clearing, draining, and cultivating, will, after a time, probably become more healthful.

It will be perceived that this distribution of force includes only one of the small schooners. They were admirably calculated for the end for which they were purchased, and have effected it. But piracy being for the present repressed, and requiring such a force only as will prevent its revival, they are no longer necessary; and, being both very expensive and utterly subversive of all discipline, it is respectfully recommended that they be sold, retaining one for the present season; after which it may be sold. The Porpoise and a small schooner have been employed under the command of Lieutenant Ramage, in the survey of a part of the Florida coast. It is proposed that those vessels be placed under the control of the commanding officer of the Florida station; and, if it be found proper to continue the survey, that the instructions for that purpose be given to that officer.

Many of the officers having died during the present year, it is thought proper to annex a list of the times and places of their deaths.

No observations on the organization and discipline of the navy seem to be required. That subject has heretofore been presented for consideration.

Very respectfully, I have the honor to be, your most obedient servant,

SAM'L L. SOUTHARD.

The Secretary of the Navy to the President of the United States.

NAVY DEPARTMENT, *December* 1, 1824.

SIR: I have the honor to present to you the following report, exhibiting the administration of this Department during the present year.

There are now in commission for the sea service, the vessels named in paper A, subjoined to this report.

Nothing, worthy of particular observation, has occurred with our squadron in the Mediterranean.

It has been maintained at the extent which was proposed in the report of last year, and has afforded the necessary protection to our commerce there. The unfriendly relations, however, which exist between Algiers and some of the governments of Europe, and the effects not unlikely to be felt, upon our political and commercial interests in that quarter, with other important considerations, have been supposed to render it expedient to augment our force. With this view, the North Carolina has been prepared, and will sail in a few days. The squadron will then consist of the ship of the line North Carolina, frigate Constitution, corvette Cyane, the sloops-of-war Erie and Ontario, and schooner Nonsuch; and will be under the command of Commodore Rodgers, who has been, for several years past, the president of the Board of Navy Commissioners, and whose high qualifications are so well known and justly estimated by the nation.

Our naval force in the Atlantic and Gulf of Mexico, has continued under the command of Commodore Porter. By directions of the Department, he has, from time to time, dispatched one of the vessels of his

squadron to the coast of Africa, to touch at Cape Messurado, minister to the wants of the agency there, and return by the usual track of the slave ships. None of these, or any other of our public ships have found vessels engaged in the slave trade, under the flag of the United States, and in such circumstances as to justify their being seized and sent in for adjudication. And, although it is known that the trade still exists, to a most lamentable extent, yet, as it is seldom, if ever, carried on under our own flag, it is impossible, with the existing regulations and instructions, to afford very efficient aid in exterminating it. That object can only be accomplished by the combined effort of the maritime nations, each yielding to the others the facilities necessary to detect the traffic under its own flag. The agency for recaptured Africans has been maintained, in the same manner as in the last year. The eleven negroes which were taken from Captain Chase, at Baltimore, and sent to the agency, were restored to their homes, under circumstances very gratifying to humanity, and calculated to produce a good effect upon their several tribes. The near relations of some of them were on the shore when they arrived, manifested much sensibility at their unexpected return, and furnished safe means of restoring them to their families.

The agent, Dr. Ayres, was compelled, by enfeebled health, to return to the United States, and left Mr. Ashmun as acting agent. He likewise was obliged, by the same cause, to be absent for a time; inconveniences necessarily resulted, and it was thought expedient to send the Rev. Mr. Gurley to examine into the situation of the agency, with directions to make certain arrangements, should circumstances require them. His report, marked B, with other papers, will be annexed, should his health enable him to make it in time, and will show the condition and prospects of the agency. The principal difficulties which have been encountered there, have arisen from the want of a fit position and suitable accommodations for the agent, and the recaptured Africans, on their arrival on the coast. These difficulties have been, in a great degree, overcome, and will, with the expense, be regularly diminished, as the establishment made by the Colonization Society increases, and is rendered more permanent and well regulated, furnishing facilities for all the objects, for which the agency was created. The expenditures during the year, so far as they are yet known, of the appropriation for the prohibition of the slave trade, has amounted to $15,326.02, and there remains, of that fund, a balance of $47,391.39.

The manner in which the force assigned to the protection of our commerce, and the suppression of piracy, in the West Indies, has been employed, will be seen by the annexed letters and reports of Commodore Porter, marked C. The activity, zeal, and enterprise of our officers, have continued to command approbation. All the vessels have been kept uniformly and busily employed, where the danger was believed to be the greatest, except for short periods, when the commander supposed it necessary that they should return to the United States, to receive provisions, repairs, and men, and for other objects essential to their health, comfort, and efficiency. No complaints have reached this Department, of injury from privateers of Porto Rico, or other Spanish possessions, nor have our cruisers found any violating our rights. A few small piratical vessels, and some boats, have been taken, and establishments broken up, and much salutary protection afforded to our commerce. The force employed, however, has been too small, constantly to watch every part of a coast, so extensive as that of the islands and the shores of the Gulf of Mexico, and some piratical depredations have therefore been committed; but they are of a character, though, perhaps, not less bloody and fatal to the sufferers, yet differing widely from those which first excited the sympathy of the public, and the exertions of the government. There are few, if any, piratical vessels of a large size in the neighborhood of Cuba, and none are now seen at a distance from the land; but the pirates conceal themselves, with their boats, in small creeks, bays, and inlets, and finding vessels becalmed, or in a defenceless situation, assail and destroy them. When discovered, they readily and safely retreat into the country, where our forces cannot follow, and by the plunder which they have obtained, and which they sell at prices low and tempting to the population, and by the apprehensions which they are able to create in those who would otherwise give information, they remain secure, and mingle, at pleasure, in the business of the towns, and transactions of society, and acquire all the information necessary to accomplish their purposes. Against such a system, no naval force, within the control of this Department, can afford complete security, unless aided by the cordial, unwavering and energetic co-operation of the local governments; a co-operation which would render their lurking places on land unsafe, and make punishment the certain consequence of detection. Unless this co-operation be obtained, additional means ought to be entrusted to the Executive, to be used in such manner as experience may dictate.

The health of the squadron, and of Thompson's Island, has been much better than during the last season; yet many of our officers, and among them Commodore Porter, have suffered severely from disease, and several have died; most of the latter have fallen victims to the necessity, real or imagined, of visiting unhealthy places upon shore, which they were warned as much as possible to avoid, and which a sense of duty, no doubt, induced them to visit. A list of those who have died during the year, on that and other stations, will be annexed, marked D.

Some improvements have been made, and others are proposed, at Thompson's Island, by cutting the timber, clearing and draining the ground, and building store houses, and, if the means are afforded, it is confidently believed, that it will be made both comparatively comfortable and healthy, before the next summer and fall. A balance of $26,784.69 still remains of the appropriation of December, 1822, "authorizing an additional naval force for the suppression of piracy," but claims exist against it, to a large amount, which have not yet been presented.

Two of the small schooners, the Grayhound and the Jackall, purchased under the authority of that act, have been found "so much out of repair, that it was not for the interest of the United States to repair them," and were disposed of; and one other, the Wild Cat, it is feared, is lost, with her officers and crew, in a passage from Havana to Key West.

The force on that station has been in this way somewhat reduced, and it has been considered expedient to augment it, by the addition of the frigate Constellation, which will be ready to join it, as soon as men can be enlisted for the purpose. One of the sloops-of-war, now in the Mediterranean, will, probably, be ordered there in the spring, should circumstances permit.

The surveys directed by the act, entitled "An act authorizing an examination and survey of the harbor of Charleston, in South Carolina, of St. Mary's, in Georgia, and of the coast of Florida, and for other purposes," have not yet been completed.

Competent naval officers, have been ordered upon the service. It was thought useful to unite with them, in a part of the examinations, one or more of the corps of engineers, which could not be effected.

On application to the War Department, it was found that all the officers of that corps were so

engaged, as to prevent the Secretary from detailing even one for this service. It is hoped, however, that such information has, in the meantime, been procured, respecting the places named, except St. Mary's, as will accomplish the purpose for which the law was passed, should Congress act upon the subject at this session. Should it be proposed, however, to fix upon a site for a naval depot in the Gulf of Mexico, I would respectfully suggest the propriety of entrusting the selection and purchase to the Department, after further and satisfactory surveys shall have been made.

Commodore Stewart, in the Franklin, arrived at New York in the month of August, having left Commodore Hull, with the frigate United States, the sloop-of-war Peacock, and the schooner Dolphin, in the Pacific. It is hoped that this force will be able to prevent depredations on our important commerce in that sea, and secure respect for our flag. Our commerce, however, has increased so rapidly there, and is scattered over so large a space, that an addition of one or more vessels would be made, if they were within the control of the Department.

This addition will become indispensable, should the government be disposed to make permanent provisions for the protection of our commerce, and other interests in the neighborhood of Columbia river, and on the northwest coast. Constant experience shows the importance of such augmentation of the number of our vessels, as will enable the government to add to the force both in the Atlantic and Pacific. Inconveniences are felt, and losses are sustained, by our citizens in both oceans, which might be prevented, were the means for their protection enlarged.

In the course of the year, several regulations have been adopted to promote efficiency and economy in the medical and other departments of the service, and some good is anticipated from them. It is impossible, however, to do all which is desired, without the aid of Congress. Several laws seem necessary to render the establishment economical and efficient. Among them are those which were under consideration at the last session, for building ten sloops-of-war, and reorganizing the navy. To these ought to be added a revision of the law for the better government of the navy, and the system of courts-martial. But especially some provision should be made for the education and instruction of the younger officers. We have now the light of experience on this point in the army, and its salutary effects are very manifest. Instruction is not less necessary to the navy than to the army. I refer to the views taken of some of these subjects in the reports made during the last session, and it will be my duty to develop them more fully in answer to a resolution of the Senate now before me.

The expenditures of the year are submitted in a report from the Second Comptroller, marked F, and the estimates for the next year is one from the Commissioners of the Navy, marked G. In the latter, it will be found that estimates have been made of the expense of certain necessary improvements at Thompson's Island, and for the repairs of four of our frigates, which policy and economy require to be placed in such a situation, that their services can be commanded whenever they shall be necessary.

We have, at present, no frigate which could be sent to sea, without large repairs, creating a delay which, under certain circumstances, might be injurious to the public interests.

The general estimate comprehends the several heads of expenditure, in the form supposed to be best fitted for keeping the accounts, with plainness and accuracy, most easily explained, best adapted to a rigid investigation of the expenses of the naval service, and, as far as practicable, conformed to the views of the House of Representatives at the last session, as understood at the Department. It is accompanied by explanatory statements of the several items, in great detail, exhibiting the propriety of the estimate, and the necessity of the appropriation.

The estimates for the marine corps, with the explanatory statements, are added and marked H.

I have the honor to be, with great respect, sir, your most obedient servant,

SAM'L L. SOUTHARD.

To the PRESIDENT *of the United States.*

A.

Vessels of the United States navy in commission—1825.

Names.	Rate.	No. of guns.	Station.
North Carolina	Ship of the line	74	Mediterranean.
Constitution	Frigate	44	Mediterranean.
United States	Frigate	44	Pacific.
Constellation	Frigate	36	West India sea.
John Adams	Corvette.	24	West India sea.
Cyane	Corvette	24	Mediterranean.
Erie	Sloop	18	Mediterranean.
Ontario	Sloop	18	Mediterranean.
Hornet	Sloop	18	West India sea.
Peacock	Sloop	18	Pacific.
Spark	Brig	12	West India sea.
Porpoise	Schooner.	12	West India sea.
Grampus	Schooner.	12	West India sea.
Shark	Schooner.	12	West India sea.
Dolphin	Schooner.	12	Pacific.
Nonsuch	Schooner.	12	Mediterranean.
Decoy	Store ship	6	West India sea.
Sea Gull	Brig.	3	West India sea.
Ferret	Schooner.	3	West India sea.
Beagle	Schooner.	3	West India sea.
Weasel	Schooner.	3	West India sea.
Fox	Schooner.	3	West India sea.
Terrier	Schooner.	3	West India sea.

C.

Copy of a letter addressed to the honorable Benjamin W. Crowninshield, chairman of the Naval Committee in the House of Representatives.

NAVY DEPARTMENT, *December* 21, 1824.

SIR: I have the honor to acknowledge the receipt of your letter of the 14th inst., making certain inquiries respecting the suppression of piracy, to which I submit the following answer:

The nature and extent of the force required, must necessarily be regulated by the nature and extent of the evil to be repressed. The views of the Department, on this latter point, are contained in the annual report made to the President of the United States, and communicated by him to Congress, with his message, and to which I beg leave to refer you.

There have lately been very few, if any, vessels of a large size, engaged in piratical depredations, at a distance from the land. The naval force which has been employed, and which is stated in the report referred to, has succeeded in driving away, or destroying, vessels of that description, and has thus effected the immediate object for which it was created. But the evil has assumed another shape, for which this force does not seem to be well fitted. Our vessels, even the smallest, cannot follow the pirates into many of the creeks and inlets to which they resort; this must always be done in boats, which cannot be carried by them in sufficient numbers to be effectual; nor can the greater part of them, on account of their size, and the want of accommodations for water and stores, remain long at sea, so as permanently and effectually to watch even the most suspected places.

I would, therefore, respectfully recommend three or more frigates, or sloops-of-war, as an addition to the force now in the West Indies and Gulf of Mexico, or as a substitute for the small vessels. The sloops would be as competent to the object as the frigates, and would be much less expensive. We cannot, however, detach that, or even a less number, from the stations where they now are, without weakening our squadrons too much.

It will be necessary to build them, which can be done in less time, and at less expense, than would require to repair and fit for sea the same number of frigates. Two, or perhaps three, might be finished in four or five months. These vessels would be able to lie or cruise steadily, and for long periods, where their presence was most needed; and, being well provided with boats, could pursue into any waters where escape was attempted.

In addition to this provision, our officers should be authorized to pursue the pirates wherever they may fly. The authority which has heretofore been given on this point, will be seen by the extracts from the orders to Com. Porter, hereunto annexed, and marked A. The right to follow should be extended to the settled as well as the unsettled parts of the islands: and, should this prove ineffectual, a resort will be necessary to such a general and rigorous blockade, as will make both the local governments and their subjects feel that their interest, as well as their honor, requires a respect for our rights, and the rights of humanity. For such an extremity, the proposed sloops-of-war will be indispensable. What warnings should be given, or demands made upon Spain, or what negotiations had with other governments, before this course be adopted, it is not my province to suggest. But, as these pirates are, essentially, robbers, living upon the land, and not upon the ocean, if the local governments cannot, or will not, prevent them from inflicting such serious injuries upon us, we must seek them where they are to be found, and so punish them, as to prevent a repetition of their crimes.

Should the foregoing suggestions be adopted, a law would be necessary, authorizing the building of the sloops-of-war, with an appropriation of $85,000 for the cost of each, and $61,086.50 for the annual support of each. Or the sums mentioned may be added to the estimates for the support of the navy; the amount for building, under the head of building and repairs of vessels; and the other under those of

Pay and subsistence	$31,391 50
Provisions	15,695 00
Repairs, including wear and tear	12,000 00
Hospital stores and medicine	2,000 00
	$61,086 50

In answer to your inquiry on the subject, I would suggest that it is not believed to be proper to designate, in any act of Congress, the disposition of the force; the only effect of which would be to apprise the pirates more fully of the mode and place of attack, and thus enable them more surely to escape.

It is proper to remark, that any naval force which we can apply to this object, will not be sufficiently extensive to cover, at all times, every part of the shores of the islands and Gulf of Mexico; and that some merchant vessels may, and probably will be caught, without other protection than that which their own strength affords. Hence, the suggestion of arming them is very obvious, and has been frequently made. The evils to be apprehended from it, however, are equally obvious. No sufficient pledge can be given, that some of them, if armed, and feeling their power, would not abuse it; and, in the present situation of the West Indies, and countries south of us, endanger our friendly relations, and commit acts almost as much to be deprecated, as those against which we are attempting to guard. The natural state of merchant vessels is the peaceful and unarmed state; and although permission to arm might, in this instance, free them from some of the evils to which they would be exposed without such authority, yet it is believed that few, whose only object is fair commerce, would avail themselves of the legal privilege. The expense and inconvenience of arming is great, and would be illy borne by a large part of the commerce now carried on, in that quarter, in American vessels. The danger does not seem to be considered so urgent as to compel them to do it. Convoy has been often declined, rather than submit to slight delays, or changes in the course of the vessel; and it is understood, that insurance is unusually low, and that the offices add little, if anything, on account of this risk. It may be effected to the West Indies, at one per cent. on the outward, and one on the homeward voyage; and, in some instances, at one and a half, embracing both, which is below the actual expense of arming.

It has been sometimes proposed that the expense should be met by the government, and protection afforded, by placing on board each vessel a number of marines, or soldiers; but this plan will at once be

perceived to be impracticable, when the number of our merchant vessels is considered, with the different routes which they pursue, and the times at which they sail. The remedy must be extremely partial, or the expense enormous. The whole marine corps would, probably, not equal one-fifth of what would be required for a sufficient and equal distribution among all.

It has also been proposed to furnish convoy at stated periods. This could be done at periods of fifteen or twenty days, from some position on our coast, to some point which is considered beyond the danger. But to this there are, also, obvious objections. It would employ all our force in the Atlantic and prevent attention to other objects; an evil of too serious a magnitude to be encountered It would be impossible to extend the convoy throughout the whole cruise; and stopping at a given point, the pirates would immediately transfer and renew their attacks beyond that point, where the vessels would, in that case, be more unprotected than they now are. It would also destroy competition of enterprise among our merchants, and confine them all to the same time and course of navigation, an evil which they well know how to estimate. They would not accept your protection at such a price.

I do not, then, perceive, in any of the suggestions which have been presented to my mind, so cheap, efficient, and certain a remedy for the evil, as that which I have preferred; and, if it be adopted, we shall, after the proposed vessels are prepared, be enabled to dispose of the small schooners now employed in the West Indies and Gulf of Mexico; a force which has been found exceedingly expensive, and injurious to the discipline and efficiency of the service.

I am, very respectfully, sir, your obedient servant, SAM'L L. SOUTHARD.

D.

Extracts of a letter to the honorable James Lloyd, chairman of the Committee on Naval Affairs, of the Senate, dated December 29, 1824.

"I have the honor to state, that there are no 'cases of practical depredations, or other information on the subject,' in the possession of the Department, which are not referred to in the report accompanying the President's message to Congress."

"No reports of cases have been received, except those made by naval officers, of such as have come, in some way, under their own observation. No memorandum has been kept of the cases detailed in the public journals, but some of them have, occasionally, been enclosed to the commanding officer of the station, to afford him information in the discharge of his duties."

"The 'additional means alluded' to, as proper to be entrusted to the Executive, if an efficient co-operation of the local governments could not be obtained, were, three or four frigates or sloops-of-war, with boats for pursuit of the pirates; authority to pursue them, wherever they might attempt to escape, and authority to enforce a rigorous blockade, if other efforts should prove ineffectual."

"I have not supposed that it would be expedient to authorize, by law, our merchant vessels to arm. Should Congress entertain a different opinion on this point, and pass a law on the subject, it should embrace 'provisions and restrictions' similar to those contained in the 3d and 4th sections of the 'Act to authorize the defence of the merchant vessels of the United States against French depredations, passed 25th June, 1798.'"

Report of the Committee on Foreign Relations, of the Senate, on so much of the President's message as relates to piracy. January 10, 1825.

The Committee on Foreign Relations submit a report on so much of the President's message as relates to piracies:

That our commerce, for years, has been harassed, and the lives of our citizens destroyed by pirates issuing from the colonies of Spain, in the West Indies, is a fact derived not only from the message of the President, but is of universal notoriety. These outrages have been so long and so often repeated, and marked with such atrocious circumstances, that a detail of the particular cases would be as impracticable as unnecessary. Our government, with a view to protect our citizens, has resorted to the means within their power, by stationing a naval force near the places where the pirates resort—a measure also pursued by other powers. Every effort, heretofore, has been unavailing, to put an end to these atrocities. These desperadoes, acquiring confidence from impunity, becoming more ferocious from habit, and multiplying by recruits from the most abandoned of other nations, threaten the most disastrous mischiefs, justly alarming to that highly valuable and most respectable portion of our fellow citizens whose pursuits are on the high seas. It is manifest, as well from facts derived from other sources as from the message of the President, that a continuance of this evil is ascribable to the asylum afforded the banditti in the colonies of Spain. The government of the United States, cherishing the most amicable disposition towards Spain, has presented the subject, with great earnestness, to the Spanish government, demanding reparation for the past and security for the future. To these reiterated remonstrances, no answer was returned till very recently, and to this day, all that has been obtained is a *promise* of a satisfactory answer to the applications of the Government of the United States; although Spain has been solemnly warned that, if she did not promptly acquit herself of her obligations to us on this subject, our government would be constrained, from the nature of the outrages, to become its own avenger, and, availing itself of its own resources, protect the commerce and lives of the American citizens from destruction. In the same spirit of conciliation, an appeal has been made to the local authorities, accompanied with a request, that if, from weakness, they were unable to exterminate the hordes of banditti who took shelter from pursuit within their territories, that permission might be given to our forces to pursue them on land.

This has been denied, on the vain punctilio of national dignity. The posture in which Spain now stands, is that of connivance in these injuries, or incapacity to prevent them. "A sovereign who refuses to cause reparation to be made of the damages caused by his subject, or to punish the guilty, or, in

short, to deliver him up, renders himself an accomplice in the injury, and becomes responsible for it." If the committee were of opinion that the refusal, on the part of Spain, was willful, and not the result of inability, they would, with a full view of all the consequences which the measure involves, at once recommend an appeal to the last resort of nations against Spain, and all her dependencies. But, believing, as they do, that courtesy requires that her refusal to do justice should be placed on the ground of inability—an inability resulting from causes which the committee intentionally forbear to enumerate, they content themselves with recommending only such measures as are believed to be indispensable effectually to reach the mischief. And hence they beg leave to present a bill with suitable provisions for the end designed.

Report from the Navy Department.

NAVY DEPARTMENT, *January* 12, 1825.

The Secretary of the Navy has the honor to present the following report, in answer to two resolutions of the Senate of the United States on the subject of piracies; one of which was passed on the 21st of December, 1824, and the other on the 23d of the same month:

Immediately after the passage of the law of the 20th of December, 1822, "authorizing an additional naval force for the suppression of piracy," the vessels contemplated in that act were purchased and prepared for sea, and, with others, placed under the command of Captain David Porter. They consisted of the sloops John Adams and Hornet, the brig Spark, the schooners Porpoise, Grampus, Alligator, and Shark; the Sea Gull, and eight small schooners; five barges, and one transport ship; in all, seventeen vessels, of different sizes, besides the barges.

On the 14th day of February, 1823, Captain Porter sailed from the United States, under orders dated the 1st of February, 1823, a copy of which is annexed to this report, and marked A.

The manner in which Captain Porter has performed the duty assigned him, and the "information" received from him, will be seen by the reports from this Department to the President of the United States, and communicated by him, with his message, at the commencement of the last and present session of Congress; and by paper marked B, which was unintentionally omitted in the report from this Department on the first of December last.

All the vessels above enumerated except four, have been uniformly employed in the object, so far as their size and the necessity of occasional returns into port for stores and repairs would permit. Of the four vessels above alluded to, the Alligator and Wild Cat have been lost, and the Grayhound and Jackall were sold, "being so much out of repair that it was not for the interest of the United States to repair the same."

There are now employed in the West Indies and Gulf of Mexico, thirteen vessels and five barges; and the frigate Constellation will join the squadron in a few days, her crew being nearly completed. The disposition of the force has been left principally to the commanding officer, who, being in the region where its services were required, was best able to judge of the positions in which the vessels should be placed, and the particular duties each should perform.

The papers herewith transmitted, marked C and D, having been written in answer to letters from the chairman of the Committees on Naval Affairs of the Senate and House of Representatives of the United States, it appears to be proper to communicate them as part of the report from this Department.

SAM. L. SOUTHARD.

To the PRESIDENT *of the United States.*

Message to the Senate of the United States.

In compliance with two resolutions of the Senate, the first of the 21st and the second of the 23d December last, requesting information respecting the injuries which have been sustained by our citizens by piratical depredations, and other details connected therewith; and requesting, also, information of the measures which have been adopted for the suppression of piracy; and whether, in the opinion of the Executive, it will not be necessary to adopt other means for the accomplishment of the object; and, in that event, what other means it will be most advisable to recur to; I herewith transmit a report from the Secretary of State, and likewise a report from the Secretary of the Navy, with the documents referred to in each.

On the very important question submitted to the Executive, as to the necessity of recurring to other more effectual means for the suppression of a practice so destructive of the lives and property of our citizens, I have to observe, that three expedients occur: one by the pursuit of the offenders to the settled as well as the unsettled parts of the island from whence they issue; another, by reprisal on the property of the inhabitants; and a third, by the blockade of the ports of those islands. It will be obvious that neither of these measures can be resorted to, in a spirit of amity with Spain, otherwise than in a firm belief that neither the government of Spain, nor the government of either of the islands, has the power to suppress that atrocious practice, and that the United States interpose their aid for the accomplishment of an object which is of equal importance to them as well as to us. Acting on this principle, the facts which justify the proceeding being universally known and felt by all engaged in commerce in that sea, it may fairly be presumed, that neither will the government of Spain, nor the government of either of those islands, complain of a resort to either of those measures, or to all of them, should such resort be necessary. It is therefore suggested, that a power, commensurate with either resource, be granted to the Executive, to be exercised according to his discretion, and as circumstances may imperiously require. It is hoped that the manifestation of a policy so decisive will produce the happiest result—that it will rid these seas and this hemisphere of this practice. This hope is strengthened by the belief that the government of Spain, and the governments of the islands, particularly of Cuba, whose chief is known here, will

faithfully co-operate in such measures as may be necessary for the accomplishment of this very important object. To secure such co-operation will be the earnest desire, and, of course, the zealous and persevering effort, of the Executive.

JAMES MONROE.

WASHINGTON, *January* 13, 1825.

Report of the Committee on Naval Affairs, of the House of Representatives, on a resolution of the House of Representatives of 9th December, instructing them to inquire into the expediency of providing an additional naval force, and other means for the suppression of piracy. January 25th, 1825.

That they have had the subjects proposed in the said resolution under their consideration, and have made diligent inquiry into the operations of our naval force, which, for the last two years, has been employed in the Gulf of Mexico, for the protection of our commerce, and the suppression of piracy. In this investigation they feel a satisfaction in stating that the means employed have displayed the vigilance of the government, and the activity, zeal, and devotion of the officers and seamen who have been assigned to that perilous service; perilous, not from the numbers or courage of the enemy, but from the deleterious effects of a tropical climate upon natives of a more temperate region. The vessels procured for this service were better adapted to a short expedition, than to long and tedious cruises. They were too small to afford the room necessary to preserve the discipline and health of the officers and seamen assigned to them; yet, they enabled the commander to scour the coast, to penetrate into the shoal waters of the creeks and inlets, to the very margin of the land; and, in effect, the pirates have literally been driven from the ocean, and confined to their fastnesses and haunts upon the land. Accordingly, their principal depredations, for the last twelve or fifteen months, have been confined to occasional sallies in boats and small craft, within one or two leagues of the shore. While these depredations, however, have been more limited in extent and number, they have more frequently been attended with the most desperate and sanguinary destruction of the lives of the unfortunate victims.

It becomes necessary for the government to adapt the force to the existing character of the evil; and the committee are of opinion that the best species of force which can be employed in future, while the piracies are confined to small craft, are the boats and launches which are attached to larger vessels. Sloops-of-war of the largest class may be well provided with launches and boats, of which several might be constantly employed in ferreting out these marauders, and bringing them to condign punishment.

But the committee are of opinion that, though the addition of three or four sloops to our West India squadron, might, by constant vigilance, afford great additional security to our commerce and those engaged in it, yet they have reflected that these plunderers easily transfer themselves from one island to another; and when effectually hunted from one of their haunts, they are speedily found in parts where the unarmed trader, having no protection or means of defence, becomes an easy prey. They have, also, recurred to several instances, where a resolute resistance by a small crew of intrepid seamen has repelled the assailants, even when the disparity of force might have been expected to produce a different issue. From which it is manifest, that those wretches, who assume the vocation of pirates, are as dastardly as they are cruel, and may be generally repelled by a well armed crew, though not much exceeding the usual complement of the vessel.

The opinion has been expressed in some of the memorials of our principal cities, that the permission to the merchants to prepare a suitable armament for their defence, would be embraced at least to a sufficient extent to deter, in many instances, the attacks of boats from the shore, or to repel the foe in case he should attempt to carry by boarding. The committee believe, that if a considerable number of trading vessels should provide themselves for resistance, and a few instances of successful resistance should be the consequence, the effect would be highly salutary, and would greatly discourage these banditti, by rendering their vocation dangerous and fruitless. They are aware that the commerce of the West Indies is attended with too small profit to warrant any considerable increase of expense to the merchants and owners of vessels: and, as the protection of trade is the duty of the government, as well as required for the prosperity of our revenue and general resources, they therefore deem it sound policy to rely upon this measure merely as auxiliary to the most energetic efforts; and to the ample means placed at the disposal of the Executive.

The committee have not overlooked the notorious fact, that the local authorities of the West India islands, particularly those of Cuba and Porto Rico, have afforded shelter and protection to the pirates, and have given a character of boldness to the enterprises, which it may be impossible wholly to repress without resorting to measures which may induce those authorities to unite their means in earnest in the extirpation of those foes of the human race. Whatever may be the personal feelings of some of the local governors, they may, perhaps, find it difficult to restrain the cupidity by which a great portion of the community are so completely demoralized. In the Island of Porto Rico, a species of legalized plunder has been for several years tolerated, if not encouraged, by the chiefs of the island, which, if not so sanguinary as in other cases, has, in other respects, differed but little from ordinary piracy. It belongs rather to the duty of another committee to devise means suitable to meet an exigency so singular, and, at the same time, demanding the most prompt and vigorous measures.

While the utmost circumspection should be employed, in maintaining the rights and dignity of our country, not to violate those of other nations, it cannot be denied, that a scrupulous adherence to the letter of national law, in regard to the territories under the nominal jurisdiction of a nation remote from the scenes of action, distracted and feeble at home, and scarcely felt or feared in her remote islands and colonies, must amount to an indefinite denial of redress to our own citizens; must embolden injustice and violence, and impede or frustrate the most vigorous efforts of our naval force in the protection of our commerce against such an unhallowed combination of local jurisdiction and desperate outlaws.

The committee forbear to indicate the course which alone remains to remedy these outrages upon our rights and our dignity, not doubting that, from another source, we may soon see submitted, a plan which comports with our justice and moderation, as well as with our interest and security.

They respectfully submit a bill, in conformity with these views, for the consideration of the House.

Report of the Committee of Foreign Relations, of the House of Representatives, on piracy and outrages on American commerce by Spanish privateers. January 31st, 1825.

The Committee of Foreign Relations, to whom was referred so much of the President's message to Congress at the opening of the present session, as relates to piracy and the outrages committed upon our commerce by vessels bearing Spanish commissions, and the memorials from different quarters of the Union on the same subjects, availing themselves of the document accompanying the President's message to the Senate, of the 13th January, which have been printed by order of that body, present to the House the result of their deliberations upon the subject submitted to them:

From the commencement of the revolution, which has terminated in the separation of Spanish Continental America from old Spain, the commerce of the United States, in common with that of all other nations, has suffered frequent outrages from the vessels of the adverse parties, duly commissioned, with doubtful commissions, and from pirates who sought to conceal their true character by the use of the flag of some one of the belligerants. Constant efforts have been made by this government to redress injuries suffered, and to prevent future outrage. Congress have, at all times, been prepared to give, and have afforded all the means necessary for these purposes within their province.

The act of the third of March, 1819, was passed specially to protect the commerce of the United States, and punish the crime of piracy. It gave to the President power (a power, however, which the President possesses without an act of Congress) to employ the public armed vessels of the United States to protect our merchant vessels and their crews from piratical aggression and depredation, to authorize the detention, capture, and trial, of any armed vessels which attempted any piratical depredation, search, seizure, or restraint of an American vessel. It authorized our merchant vessels to capture armed ships not commissioned by a friendly power, and to recapture vessels taken by them, and it directed the condemnation of the vessels so captured or recaptured; it provided for the punishment of the pirates, when convicted by the competent tribunals. This act was limited to one year, but was continued in force by the act of May 15, 1820, for two years, and the first four sections made perpetual by the act of the 30th January, 1823.

The re-establishment of the constitutional government in old Spain, in March, 1820, inspired the strongest hope that the contest between Spain and Spanish Continental America would be soon amicably terminated in a manner satisfactory to the parties at war, to the commercial and civilized world, and to all the lovers of humanity, justice and liberty. The first movements of the regenerated government promised a speedy realization of this hope.

The Cortes of Spain directed negotiations to be opened with Spanish America; commissioners were appointed; but the contending parties did not take the same view of the great questions between them. old Spain would not admit the recognition of the independence of the Spanish American governments as the basis of negotiation; and the Spanish American governments would not negotiate without that preliminary recognition. While these abortive attempts at negotiation were made, there was a temporary cessation of hostilities in Venezuela. The war, however, was renewed in Venezuela before the negotiations were broken off. Fortune favored the Americans, and the European Spaniards were driven from the continent. During this desperate contest, General Morales, the commander of the Spanish forces, issued his extraordinary proclamation, declaring a coast of twelve hundred miles in a state of blockade, and interdicting all foreign commerce with the Spanish main, as inconsistent with the colonial law of old Spain. This proclamation has been the fruitful source of most of the evils since suffered by all commercial nations in the West Indies, and in the Gulf of Mexico. Numerous pirates, and swarms of privateersmen (subsequently degenerated into pirates), have preyed upon all neutral commerce. Protection to that of the United States should have been, if it has not been, afforded, against pirates, by the use of all the necessary means under the control of the Executive—by a vigorous exertion of the naval power; by incessant watchfulness on the seas, and on the coasts infested by them; rigorous examination of all suspected vessels of every size; ardent pursuit of the persons found *flagrante delicto*, wherever they sought refuge; careful prosecution, before the competent tribunals, of all the accused who were taken; unrelenting severity in inflicting punishment, where guilt was judicially established—against privateersmen, by appeals to the government of Spain, requiring, immediately, redress for the past, and security for the future; if made in vain, application should have been made to Congress to authorize reprisals, or to declare war, as the extent of the injury and a due regard to the condition of the Spanish government should have required. A further reference, however, to the past would not be useful. For the present, and for the future, if legislative provisions are necessary, they should be made.

Piracy at present exists in the same form as in the year 1822, when a species of naval force, supposed to be particularly adapted to suppress it, was placed at the disposal of the Executive. This force was believed to have answered the expectations entertained of it, as the President, at the opening of the last session of Congress, announced that "it had been eminently successful in the accomplishment of its objects." If further experience has shown that this species of force is inadequate to the accomplishment of the object, and that another may be advantageously substituted, there can be no doubt of the propriety of the substitution. This is a point, however, that the committee do not consider it their duty to examine; it belongs properly to another committee, the result of whose deliberations upon it has been already presented to the House. The merchants of the United States, who have, with the exception of our seamen, the deepest interest in this subject, suggest the propriety of suffering the owners of vessels to arm for their own defence. There is no law forbidding such defensive armament, nor is any law required to justify it. It is, however, asserted that the restraints upon the armament of merchant vessels are inconvenient and oppressive, and that they ought to be removed. The only provision on this subject is that which requires bond and security to be given to prevent an unlawful use of the armed vessel; a provision which should not be changed—an adherence to which the best interest of commerce requires.

The propriety of authorizing by law the pursuit of the pirates on land has also been a subject of consideration. The committee do not deem an act of Congress for this purpose necessary. The rule of international law is, that fugitives from the justice of one nation are to be considered in another as strangers entitled to protection, and having a right of residence—on the common principle that no nation has a right to punish a person who has not offended itself, nor is it bound to assist its neighbor in the execution of its criminal laws. Pirates are criminals against all nations, punishable in every tribunal; the common enemies of mankind; the duty of all nations and every man is, to hunt them down, that they may be delivered up to offended justice. Fresh pursuit of enemies into the territory of a common friend,

is not universally admitted to be a right of war. Powerful nations never permit feeble neighbors to enter their territory for this purpose; but enter without scruple in pursuit of their enemies, the territory of such neighbors, unless restrained by the apprehension that the mutual friend seeks a fair occasion to become an ally against them in the war. Practically, the question is one not of right, but of relative power. The pursuit of a mutual enemy into the territory of a friendly or allied power, is a right of war; it cannot be deemed a violation of the sovereignty of that power; it confers a favor, and imposes upon him an obligation of gratitude.

The common enemy cannot avail himself of the protection of the territory of the third power, but by surrendering himself as prisoner of war; and in that event, if the force of the pursuer was the cause of the surrender, the pursuer might rightfully claim the benefit of the surrender. Under this rule, the pursuit and capture of pirates anywhere, and everywhere, may be justified. The Executive has acted upon it. Instructions have been given to our naval commanders to pursue and capture, on Spanish territory, pirates who seek refuge or concealment there. The government of Spain has been duly warned of the existence of these orders; it knows that they will be obeyed. No remonstrance has been made by it; no objections have, as far as the committee have been informed, been urged. The acquiescence of Spain is all that should be desired. A distinction is supposed to exist between pursuit of pirates on lands uninhabited, and those inhabited; and it is imagined that the authority of Congress is necessary to justify pursuit in the latter case, while, in the former, the power of the Executive is alone sufficient. The committee do not admit the correctness of this distinction. Fresh pursuit is justifiable in either case, if necessary to the capture of the pirate. There is greater danger of collision with the friendly power, when the object of pursuit flies into a settled country, and greater care is requisite to avoid giving offence; but the same principles apply to either case, and it is just as necessary that Congress should legislate to justify the capture of pirates, as to authorize the pursuit of them into any place of refuge, inhabited or unsettled.

From an attentive examination of the letters of the agent who was sent to Cuba to obtain information relative to the pirates who have long infested the coast of that island, it would seem that no fresh pursuit on land will eradicate the evil. Authority must exist to search in the suspected settlements for persons believed to be guilty of piracy, and for the evidence of their guilt, and to bring them before our tribunals for trial and punishment. This authority Congress cannot give, without making war upon Spain. It cannot be used without wresting from Spain her municipal jurisdiction. The evil lies too deep to be reached by any ordinary measures which foreign powers can apply to it.

The government of Spain must give to the local authority what it is said to want—sufficient strength to prevent and to punish crimes; it must perform its duties, or those who suffer from its neglect or weakness will be driven, by the necessity of the case, to apply the corrective. The committee would bring more distinctly into view the only efficient remedy, and recommend a resort to it, if they believed sufficient time had elapsed since remonstrances were made by our government to Spain, to prove incontestably that she wanted either the power or the will to do her duty, although they are aware that the conduct of any government, in applying that remedy, without previous concert with other nations, alike interested in the question, would be liable to misconception, and excite well-founded jealousies. The committee cannot doubt that the Executive, applying all proper means to prevent, to detect, and to punish, the crime of piracy, and pressing upon Spain and her local authorities that the honor and the interest of Spain require their best exertions for the same purpose, will not fail to confer with the great commercial nations, on the extraordinary measures to be used, if the object is not speedily accomplished by the faithful exertion of the powers of Spain.

The danger to which our commerce is exposed, and the injuries it has suffered from privateers, acting under regular or irregular commissions, are of a different character, and require a different remedy. The committee understand that outrages of this kind have almost, if not entirely ceased; for those which have been inflicted, or which may hereafter be inflicted, Spain is directly responsible. Reparation must be had; by negotiation, or by exercise of such powers as may, for that purpose, be vested in the Executive by Congress.

To guard against future injury, the safest resource is to enforce promptly ample redress for that which has been suffered. The committee have already referred to the injuries suffered in consequence of the proclamation of Morales. Those injuries are not yet redressed. The government of Spain has not attempted to justify a proclamation declaring, with a naval force insufficient to shut up the smallest port on the coast, a seacoast of twelve hundred miles in a state of blockade, nor the absurd pretension that the property of all neutral nations is, under the colonial law of Spain, liable to confiscation, if taken on its way to Spanish America; but the property of American citizens captured by privateers from the islands of Porto Rico and Cuba, and from Porto Cabello, is now withheld under these pretensions. The Spanish government having formally revoked the blockade, gives to the tribunals of Spain an excuse for the condemnation of all property seized prior to that revocation; an excuse of which they do not hesitate to avail themselves. Acting under instructions from the President of the 28th April, 1823, the minister of the United States at the court of Spain demanded satisfaction, in January, 1824, from that government, for the outrages committed from Porto Cabello, and the islands of Porto Rico and Cuba, upon the commerce of the United States, and for the wanton murder of one of our gallant officers in the harbor of St. John's, by the officer commanding the fort at its entrance. In September of the same year, Spain was again called upon to indemnify those who had suffered in person or property under the proclamation of blockade, or from the interdiction of neutral commerce to the Spanish main. In October, the just reclamations of our government were, for the third time, formally made to the government of Spain. No satisfaction has been given, no indemnity has been promised, nor has there been even a satisfactory excuse given for the delay to answer the just demands of the minister of the United States.

The character of the injury sustained, its origin, the period elapsed since it was inflicted, the formal and fruitless demand for reparation for more than twelve months, justify reprisals. An anxious desire not to act harshly to a government embarrassed by internal difficulties, and enfeebled by recent revolutions; the distance of the seat of the Spanish government, from the places in which the evils complained of originated; the death of the minister appointed by the Spanish government, on the eve of his departure to this country; and the recent selection of another minister, whose appointment and intended departure for the United States, has been communicated in an official letter, a translation of which is herewith presented to the House, induce the committee not to propose any legislative enactment, under the firm conviction, that this forbearance will give to Spain a new motive to make speedily ample reparation for

the injuries sustained; and that if it does not produce this desired effect, it will justify, in the eyes of all nations, any and every step Congress may hereafter be compelled to take.

DEPARTMENT OF STATE, *Washington, January* 24, 1825.

SIR: I have the honor of enclosing herewith, a translation of the only answer yet received from the Spanish government, in Mr. Nelson's notes on the subject of piracy and outrages on our commerce. It has been received since the communications to Congress of the previous documents were made.

I am, with great respect, sir, your most humble and obedient servant,

JOHN QUINCY ADAMS.

JOHN FORSYTH, Esq., *Chairman of the Committee of Foreign Relations, H. R. U. S.*

[Translation.]

Mr. Zea Bermudez to Mr. Nelson.

SIR: From the middle of September last, when I took possession of the appointment, which the kindness of the King, my august master, deigned to entrust me, I dedicated, by order of his Majesty, my attention to the different notes presented by you, relative to the claims of the American subjects, who thought themselves entitled to be indemnified by Spain for the losses which they have suffered in the seas of America A business so complicated, in which considerable interests are involved, presented so much more difficulty, by how much there were intermingled with it other interests and other claims of Spanish subjects against the government and subjects of the United States.

His Majesty, desirous of preserving the friendship and good harmony which happily subsists between both nations, and that, in faithful observance of existing treaties, both governments should terminate in a friendly manner, this delicate question, the legitimate rights and just pretensions of both being mutually conciliated, has thought that the most proper means for gaining this desired end, is to send immediately a minister plenipotentiary, to reside near the American government, who, by his information, prudence, and practical knowledge of the relations between both countries, may be at the same time, the interpreter and the executor of the just intentions of the King. In consequence, his Majesty has been pleased to appoint Don Jose de Heredia, his envoy extraordinary and minister plenipotentiary in the United States of America. He will set out for his new destination as soon as possible.

I hasten to inform you of this, that you may be pleased to lay it before your government; and I avail myself of this occasion, to repeat to you the assurance of my most distinguished consideration. God preserve you many years.

Your most obedient servant, FRANCISCO DE ZEA BERMUDEZ.

SAN LORENZO, *November* 19, 1824.

Report of the Secretary of the Navy, accompanying the President's message of December 3d, 1822.

NAVY DEPARTMENT, *November* 30, 1822.

The President of the United States:

SIR: In compliance with your request, I have the honor to transmit to you herewith, sundry papers, numbered one to five, inclusively, which contain the information desired.

No. 1. List of piratical vessels, &c., captured by vessels of the navy of the United States.

No. 2. List of vessels of the navy of the United States, in actual service.

No. 3. List of vessels of the navy of the United States, in ordinary.

No. 4. List of vessels built and building, under the act for the "gradual increase of the navy;" and also, a general view of improvements at the several building yards.

No. 5. Copies of correspondence between the commanders of our cruising vessels, and the Spanish authorities.

All of which is respectfully submitted. SMITH THOMPSON.

No. 1.

Statement of captures of piratical vessels and boats, made by vessels of the United States navy, in the West Indies.

Four piratical schooners, of about forty tons each, and one sloop, of twenty-five tons, in all carrying about one hundred men, captured by Lieutenant Commandant L. Kearney, in the United States brig Enterprise, at Cape Antonio, Island of Cuba, October 16th, 1821, in the act of robbing the American ship Lucies, American brig Aristides, and English brig Larch; burnt two of the piratical schooners; the other two, and the sloop, were sent into Charleston, S. C., and condemned.

Schooner Moscow, captured by Capt. Robert Henley, in the sloop-of-war Hornet, October 29, 1821, sent into Norfolk.

A boat laden with goods, captured by Lieutenant Commandant Ramage, off Cape Antonio, November 8, 1821; took out the goods, and destroyed the boat; crew escaped.

A schooner of about 35 tons, captured by Lieutenant Commandant Kearney, 21st December, 1821; crew, about 25, escaped.

Six piratical vessels captured by Lieutenant Commandant Ramage, January 7, 1822; burnt five of them, and manned one, took three prisoners, and destroyed their depot, &c., on the coast of Cuba.

A large barge taken by gun vessel Revenge, 7th March, 1822; she was deserted by her crew, and evidently fitted for piratical purposes.

Three piratical launches and four barges, captured by Lieutenant Commandant Kearney, in the United States brig Enterprise, at Cape Antonio, on the 8th March, 1822, destroyed.

Two piratical schooners captured by Lieutenants Commandants Perry and Gregory, in June, 1822, three pirates prisoners.

Spanish privateer Palmyra, alias Panchita, captured by Lieutenant Commandant Gregory, August 16, 1822, sent into Charleston, South Carolina.

Five piratical vessels captured by Captain S. Cassin, commanding United States ship Peacock, on the 28th and 30th September, 1822; burnt two; found eighty-nine bags coffee concealed in the woods by the pirates; two of the vessels sent to New Orleans.

A Dutch sloop was re-captured from pirates by Captain John H. Elton, commanding United States brig Spark, January, 1822, and the prize crew, seven men, were sent into Charleston, South Carolina.

Portuguese ship Mariana Faliero, captured by Lieutenant Commandant R. F. Stockton, in the United States schooner Alligator, sent into Boston.

No. 2.

List of vessels of the United States navy, now in service.

In the Pacific Ocean.

Ship Franklin	74 guns.
Schooner Dolphin	12 guns.

In the Mediterranean.

Frigate Constitution	44 guns.
Sloop-of-war Ontario	18 guns.
Schooner Nonsuch	12 guns.

On the Coast of Africa.

Corvette Cyane	24 guns.

In the West Indies.

Frigate Congress	36 guns.
Corvette John Adams	24 guns.
Sloop-of-war Peacock	18 guns.
Brig Spark	12 guns.
Schooner Alligator	12 guns.
Schooner Grampus	12 guns.
Schooner Shark	12 guns.
Schooner Porpoise *	12 guns.
Gunboat No. 158	1 gun.

Sloop-of-war Hornet, 18 guns, preparing for a cruise in the West Indies, at Norfolk, Virginia.

Brig Enterprise, repairing at New York, for a cruise in the West Indies.

No. 3.

List of vessels of the United States navy, in ordinary, exclusive of ships on the list of the Navy Commissioners; exclusive of list numbered 4.

Ship Independence	74 guns.
Ship Washington	74 guns.
Frigate United States	44 guns.
Frigate Guerriere	44 guns.
Frigate Java	44 guns.
Frigate Constellation	36 guns.
Frigate Macedonian	36 guns.
Steam frigate Fulton	30 guns.
Sloop-of-war Erie	18 guns.

*All on survey Coast Florida.

No. 4.

Vessels built and building under the law for the gradual increase of the navy, with a general view of improvements completed at the several building yards.

Columbus, 74 guns. Launched in ordinary at Boston, with a roof over her to protect her from the rain, sun, &c.

Ohio, 74 guns. Launched in ordinary at New York, with a roof over her to protect her from the rain, sun, &c.

North Carolina, 74 guns. Launched in ordinary at Norfolk, and now covering with roofs to protect them.

Delaware, 74 guns. Launched in ordinary at Norfolk, and now covering with roofs to protect them.

One, 74 guns. At Boston, nearly finished; house over her, and perfectly protected.

One, 74 guns. At Boston; frame raised; under a house; perfectly protected.

One, 74 guns. At Portsmouth, N. H.; nearly finished; under a house; perfectly protected.

One, 74 guns. At Norfolk, Va.; about half finished; house over her; perfectly protected.

One, 74 guns. At Philadelphia; keel laid; frame nearly out; house now building over, and probably raised by this time.

Potomac, 44 guns. Launched, and hauled up on the inclined plane at Washington, where she now lies, under a house, perfectly protected from the sun, rain, &c.

One, 74 guns. At Washington; about half finished.

One, 44 guns. At Philadelphia; nearly finished; house over her; perfectly protected.

One, 44 guns. At New York; frame getting out, and nearly ready to raise.

One, 44 guns. At Portsmouth, N. H.; in forwardness; house over her; perfectly protected.

The frames of the other frigates authorized to be built, excepting a few pieces yet to be delivered by the contractors, and nearly all the other materials excepting the iron, are procured and placed in situations where they will probably not sustain any immediate material injury.

Two steam battery frames are securely doposited under cover at the Washington Navy yard.

One steam battery frame is securely deposited under cover at New York.

Two engines are put up, and in a state of preservation at New York.

The building yards are in as good a state as the means placed at the disposal of the Department would allow; but to erect the necessary warehouses, repair wharves, cover some of the vessels now building, and to erect suitable sheds over the timber, for its preservation, there will be required for the year 1823, the sum of $150,000.

General view of improvements completed at the several building yards, in 1821 *and* 1822.

At Norfolk: timber dock filled up, and house built over new ship of the line.

At Washington: inclined plane, with a house over it; large warehouse; sail loft and rigging loft.

At Philadelphia: foundation of a new ship laid; house built over a frigate, and house now raising over a ship of the line.

At New York: foundation of a new ship laid; house built over a frigate; low ground filled up to an extent to afford sufficient room to work on.

At Boston: foundation of a new ship laid; a house built over a ship of the line; a blacksmith shop erected; the timber dock piled and improved; cover placed over the frame of a 44; about two acres of ground leveled.

At Portsmouth, N. H.: foundation of a new frigate laid, and a house erected over it.

No. 5.

Copies and extracts of letters and reports, exhibiting a general view of the correspondence between the commanders of our cruising vessels in the West Indies, and the Spanish authorities.

U. S. Frigate Macedonian, *Havana, May* 6, 1822.

Sir: I have the honor to inform you that I arrived here on the 28th ultimo. My passage was somewhat protracted by chasing, out of my course, suspicious looking vessels among the islands, and by having two days under convoy an American schooner, that requested me to see her safe past Cape Antonio. On my arrival, I saluted the captain general and the admiral, receiving from each, in return, gun for gun, agreeably to previous arrangement. On the 29th, I had an interview with the captain general relative to the business with which I am charged by Mr. Adams, the Secretary of State. On the 30th, I addressed a communication to him on the subject of landing our boats and men upon the coast of Cuba when in pursuit of pirates. I enclose a copy of my communication, as also of the captain general's answer; and you will perceive he declines acceding to the proposition I made to him. I think it preferable to pursue one object at a time with the government here, and I shall therefore drop this subject for the present, renewing it when my correspondence in regard to the Florida documents is terminated. He certainly ought, and perhaps will consent to our landing upon those parts of the coast that are uninhabited, and where, though within his jurisdiction, he is utterly incapable of exercising any authority. There are many such places on the coasts of this island.

The measures adopted by the captain general, and to which he refers in his letter to me, consist simply of a proclamation, in March last, establishing certain regulations with respect to clearances of coasting vessels, launches, and other boats. These regulations, I understand, are not strictly enforced; and, even if they were, they are altogether insufficient for the suppression of piracy along the extensive coast of Cuba. As this proclamation has been published in the American newspapers, I do not think it necessary to send you a copy.

I regret to state that I have not met any of our cruisers either at this port or off Cape Antonio, nor have I been able to gain any information as to where they probably now are. It is some time since any of them were here. The British frigate Tribune is here, from Porto Bello, and is about to sail for England with specie.

I have the honor to be, &c., JAMES BIDDLE.

Hon. SMITH THOMPSON, *Secretary of the Navy.*

Captain Biddle to Governor Mahy.

U. S. FRIGATE MACEDONIAN, *Havana, April* 30, 1822.

SIR: I have the honor to represent, that the commercial relations between the United States and Cuba are already very considerable, and that they would unquestionably be more considerable, if rendered more secure from unlawful depredations. As these relations, too, are mutually beneficial, it is important to both parties that they should be effectually protected. For this object the Government of the United States, on its part, has employed an adequate naval force, which is placed under my direction and control. But, as the depredations have been committed chiefly in open boats, immediately upon the coast, and off the harbors, it is important that we should have your excellency's co-operation. I have, therefore, the honor to propose that your excellency should so far co-operate with me as to sanction the landing, upon the coast of Cuba, of our boats and men, when in the pursuit of pirates. This measure would be promotive of our common benefit—is indispensable to the entire suppression of piracy, and is not intended in any manner to infringe upon the territorial rights of your excellency. It will operate against those only whose atrocious crimes render them obnoxious to every regular government, and should place them without the protection of all law.

I have the honor to be, with great consideration and respect,
your excellency's most obedient and very humble servant,
JAMES BIDDLE.

His excellency Don NICHOLAS MAHY, *Captain General and Governor of Cuba.*

Governor Mahy to Captain Biddle.

[Translation.]

I am too sensible of the importance of the commercial relations which exist, and may continue, between the ports of this island and those of the United States, which I am desirous of cultivating, not to have adopted measures to put a stop to depredations which might obstruct them along the extensive coasts of this island, under my jurisdiction. I repeat, that such measures have been adopted, and have been made public; and with the zealous co-operation with which you inform me you are charged, we shall doubtless effect shortly a happy extermination of those enemies, who, under all colors, have laid waste and committed robberies, both upon the high seas and every coast, without respecting any flag.

With respect to the permission you solicit, for landing upon this coast with troops and people in boats, for the purpose of pursuing those pirates, I cannot and must not consent to it. I repeat that the necessary measures have been adopted to defend my territorial jurisdiction, and for the apprehension of every description of outlaws.

All which I communicate in answer to your official letter of yesterday. God preserve you many years.

NICHOLAS MAHY, *Captain General of the Island of Cuba.*

JAMES BIDDLE, Esq., *Commanding United States ship Macedonian.*

HAVANA, *May* 2, 1822.

Extract from a report of Lieutenant Francis H. Gregory, commander of U. S. schooner Grampus, to Captain James Biddle, commanding the U. S. naval forces in the West Indies—relating to the capture of the Pancheta, dated—

U. S. SCHOONER GRAMPUS, *St. Thomas, August* 24, 1822.

I have the honor to acquaint you, for the information of the honorable Secretary of the Navy, that I arrived at St. Bartholomews on the 2d of August; sailed again on the 7th with convoy for St. Thomas. On the morning of the 9th fell in with two Spanish cruisers off Tortola, who demanded permission, and claimed a right to board the convoy, which being peremptorily refused, they hauled off. The same day I arrived at St. Thomas and received from Captain John Souther, of the schooner Coquette of Georgetown, D. C., the enclosed deposition, having been plundered by those vessels. On the 14th I left St. Thomas, with two valuable vessels, bound to Curacoa, and on the evening of the 15th saw an hermaphrodite brig, hovering upon our weather quarter, apparently a cruiser; continued my course without regarding her; at daylight made her ahead and gave chase; at half-past nine, having gained considerably upon her, she hoisted English colors; changed them to Spanish at 10, and fired a gun to windward, and at half-past 10 hove to, and set a white flag at the fore. On nearing her I perceived her to be the pirate that had fired upon and plundered the Coquette, and therefore considered it my duty to arrest her. At 20 minutes past 11 the Grampus was laid under her lee, within pistol shot, and her surrender demanded as a pirate, which she affected not to understand, and answered me to that import. While repeating the demand, he poured into us a full volley from his small arms and cannon, which was instantly returned, and continued

three minutes and a half, when he struck his colors, a complete wreck, having one man killed and six wounded, and in a sinking condition. The boats were dispatched instantly to their relief, and it was only owing to the great exertions of Lieutenant Voorhees, that she was prevented from going down, having received three shots between wind and water, one of which injured the pumps. The Grampus received some trifling injury in her sails and rigging, but not a man hurt.

The captured vessel proved to be the notorious privateer Palmyra, formerly the Pancheta, from Porto Rico; carries one long brass 18, and eight 18-pound carronades, and a crew of 88 men. They acknowledged the robbery of the Coquette, and the only excuse given by the officer is, that they could not prevent those things happening now and then. Several of the plundered articles were found on board.

ST. THOMAS, *August* 10, 1822.

Personally appeared before us, Captain John Souther, commander, and in part owner of the schooner Coquette, of Georgetown, D. C., who, being duly sworn upon the Holy Evangelist of Almighty God, deposeth and saith: That he is a native born citizen of the United States of America, and that, while on a voyage in said vessel to the West India islands, and on his passage from St. Bartholomews to St. Thomas, on the morning of the 9th of August, 1822, at 5 A. M. or thereabouts, he was fired at by a sail in chase, upon which, the deponent saith, he immediately hove to. Was boarded by an officer and boat's crew under Venezuelian colors; they immediately demanded his papers; after examining them, they commenced searching the vessel, then went into my cabin and searched the berths, chests, &c. They took from the vessel stock, and clothing from the officers and men. The deponent further says, she was an hermaphrodite brig with a red streak, and one long gun midships, and several others, not knowing the exact number.

JOHN SOUTHER.

Attest:
J. ROHDE, *Captain R. Navy and Harbor Master.*
FRANCIS H. GREGORY, *Lieutenant Com. U. S. Navy.*

The foregoing deposition of Capt. John Souther having been read before John Peabody, jr., mate of the schooner Coquette, John Reynolds and Henry Sterling, seamen, and they being duly sworn, declare the same to be true.

JOHN PEABODY, Jr.
JOHN REYNOLDS.
HENRY STERLING.

Attest:
J. ROHDE, *Captain R. Navy and Harbor Master.*
FRANCIS H. GREGORY, *Lieut. Com. U. S. Navy.*

Extract of a letter from Lieutenant Commandant Francis H. Gregory to the Secretary of the Navy.

I have the honor to inform you that this vessel, accompanied by the Palmyra, *alias* Pancheta, was safely anchored in this port on the 12th, after a passage of fifteen days from St. Thomas. The Palmyra was captured on the 16th of August, to the southward of St. Croix, by the Grampus, after a short action, in which she was principal sufferer, as detailed in my reports to Captain James Biddle, commander of the United States naval forces cruising in the West Indies; copies of which have, for your information, already been forwarded to the Department.

It was my wish and intention to have entered a more northern port, but light and adverse winds, and the great number of prisoners on board, obliged me to make the nearest port, and that as soon as possible. The prisoners, seventy-six in number, have been safely lodged in jail, committed for piracy. At least one-third of them are of the Sugar Key gang, who have come to Porto Rico for the purpose of covering their villany with Spanish commissions. All the original documents respecting this vessel have been placed in the hands of the United States district attorney, and the vessel libeled. Several of her crew have turned informants, and I expect a great scene of villany will be exposed.

I frequently saw gentlemen from Porto Rico while at St. Thomas, and was informed that several small privateers were fitted out there, which, if not looked after in time, will certainly commit some very serious depredations upon our commerce, as they are, in reality, nothing but pirates; most of their crew being from the establishments of Cuba, and to their thirst for plunder add a deadly desire of revenge whenever they fall in with a defenceless American.

Extract of a letter from Lieutenant James Ramage, commander of the United States schooner Porpoise, to the Secretary of the Navy, dated St. Thomas, July 9, 1822.

Having sailed from St. Bartholomews on the evening of the 6th instant, I fell in, the next morning, with two brigs of war, bearing the Mexican flag. I run down, with our colors flying, between them; and, when opposite to each, received a gun from the one to windward, which was instantly returned from this vessel; shortly after, I received a similar salute from that to leeward, which was promptly replied to; both vessels, on firing, hauled down the Mexican, and hoisted the Spanish national colors. I then ranged alongside the brig to leeward, observing her crew in a state of extreme confusion; they opened an irregular and ill-directed fire of grape and musketry, but without any effect. I was in the act of giving orders to return our broadside, when hostilities ceased, and I directed Lieutenant Curtis to board the brig; and examine her papers. They proved to be H. C. Majesty's brigs Palmyra, of fourteen guns, one

hundred and thirty men, and G. Boves, of eight guns and one hundred men, both from Cadiz. The enclosed is a literal copy of a letter addressed me by the senior commanding officer.

I now hasten to communicate the intelligence received by me at this place, which I believe to be entirely authentic: that several Spanish privateers, of considerable force, have lately been equipped from the Island of Porto Rico, for the purpose of capturing all vessels sailing to or from the ports on the coast of Spanish America, in possession of the patriot forces, under the plea that they are violating a system of blockade established by the government of Spain. These privateers have already made several captures of American and other vessels, which have been carried to remote ports in the Island of Porto Rico, and will doubtless be condemned. The injury that will result to the commerce of our country from this system of pretended blockade will be very serious, if not timely checked by an adequate force in this quarter; and, as I have no means of communicating from hence with Captain Biddle, I consider it my duty to lay the present information before you.

S. N. B. G. Boves, *at sea, July* 3, 1822.

M. Ramage, U. S. Sc. Porpoise:

Sir: I am sorry you will be incomoded with me by firiying you this morning, being the case that we thought you were Patriots, and we have commission from our government to blockade all the men ports, and happened that must all the vessels from the men hoisted and fight with the American flag, we took you to be one of them.

I hope therefore you will forgived the uncasionally affair.

I remain your sincear, &c.,

PABLO LLUAGER.

To the Captain *of the U. S. Sc. Porpoise.*

United States Schooner Porpoise, *Curacoa, July* 22, 1822.

Sir: I had the honor to address you on the 9th inst., from the Island of St. Thomas, communicating the injuries committed on our commerce by Spanish vessels of war near to Porto Rico, in consequence of their pretended blockade of the coasts of Spanish America. I have now to inform you that the same causes have produced the same effects in this quarter, and that four American vessels have been condemned at Port Cabello for a breach of blockade. The naval force of Spain in these seas consists of an old 44 gun frigate (one of the Russian contract,) a brig and schooner. These are employed in furnishing supplies to Porto Cabello from this island, and yet with such a force and so employed, they uphold the monstrous principle of blockading a coast of more than 1,200 miles in extent. It does not appear that any injury has been committed on our commerce by the vessels of the Columbian republic.

I have the honor to be, &c.,

JAMES RAMAGE.

Hon. Smith Thompson, *Secretary of the Navy.*

Extract of a letter from Lieutenant James Ramage, commander of the United States schooner Porpoise, to Captain James Biddle, commanding the naval forces in the West Indies.

Under a plea of a breach of blockade, the Spanish squadron in this direction, capture all vessels bound to or from ports in possession of the Columbian republic. The naval force of Spain, now here, consists of an old 44 gun frigate, the Ligera, (one of the Russian contract,) an 18-gun brig, the Hercule, and a schooner; the whole of which are employed supplying Porto Cabello with provisions from Curacoa; yet, with such a force, and so employed, they uphold the monstrous principle of blockading a line of coast of more than 1,200 miles in extent.

Copy of a letter to Captain Laborde, commanding his Catholic Majesty's frigate Ligera.

United States Schooner Porpoise, *Harbor of St. Ann, Curacoa, July* 21, 1822.

Sir: I have received from the master of the American schooner Antelope, a communication of which a copy is herewith transmitted to you. From this statement it appears that a very serious injury has been done by you to the rights and property of citizens of the United States, by the capture and subsequent condemnation of an American vessel and cargo, pursuing a lawful commerce; but it is hoped that more just reasons will be exhibited on your part for the course pursued, than those stated in the communication referred to.

I have received information that the American vessels named underneath, have been carried into Porto Cabello, and there condemned, under the pretext of a breach of blockade of the coast and harbors of the Spanish main. In consequence, thereof, it becomes my duty to demand from you the release of all vessels and property so seized, and further to state, that the United States cannot recognize such a system of blockade, to the manifest injury of their commerce, where the force of Spain is so evidently inadequate to its fulfillment.

I am, &c., &c.,

JAMES RAMAGE.

To Capt. Laborde, *commanding H. C. M. Frigate Ligera, Curacoa.*

Statement of Arthur Edgerton, mate of the brig General Andrew Jackson.

Arthur Edgerton, mate of the brig General Andrew Jackson, taken by the privateer General Pereira, on the 22d July, states, as nigh as he can remember, the log book being taken from him, Capt. Langdon and the cook were sent in the brig to Ponce, and the mate and men were taken on board the privateer, having been robbed of every article of clothing, except what they had at the time on their backs. The men had recently left the United States, and had each a new suit of good clothes, many of which can, at most hours, be seen at this place, worn by the crew of the privateer in public. Except being robbed of clothing, knives, razors, &c., were well treated on board the privateer, where they remained about seventeen days—were then put into the puntilla (prison) without food, until the afternoon of the third day. The keeper of the prison observing the wants of these men, sent word to the captain of the privateer, "that he must furnish them daily with food, or he would be punished;" which was complied with.

Captain Spence to the Secretary of the Navy, transmitting correspondence with the Governor of Porto Rico, marked A to G, inclusive.

U. S. Ship Cyane, *St. John's, Porto Rico, September* 3, 1822.

Sir: After a passage of twenty-five days from the Chesapeake, during which we experienced an alternation of calms and head winds, I anchored in this harbor. I found no small excitement existing, produced by the capture of the Pancheta. The presence of a ship of our force was perhaps seasonable; and possibly may have been the means of preventing unpleasant consequences to the Americans here. Before I could enter upon the business specially delegated, I was informed of the imprisonment of several citizens of the United States, taken from the brig General Jackson, captured and sent into Ponce. As no American ought to be restrained of his liberty, in any quarter of the world, one hour, without just cause, I addressed his excellency Don Francisco Gonzalez de Linarez, demanding their release. My letter, marked A. is herewith transmitted. The men being liberated, I felt myself at liberty to enter upon the execution of my instructions, and immediately addressed him upon the subject of the capture of American vessels by privateers out of the Island of Porto Rico. A copy of my letter, marked B, is herewith enclosed. On the 27th ult. I addressed to his excellency letter C, annexing memorandum No. 1, being a list of vessels sent into the different ports of the island, for adjudication. On the 28th I received from his excellency a reply to my representations, which is herewith transmitted, with other subsequent communications from him. I then addressed to him letter D, with copies of the accompanying documents, 2, 3 and 4.

Some of the circumstances of the capture of the Pancheta being known, for the purpose of preventing the ill effects of distorted and prejudiced representations, and to allay the sensations of which his excellency speaks, I addressed to him, on that subject, letter marked E; receiving several reiterative communications, of which I obtained but very imperfect translations. I replied with letter marked F, and came to the consummation of the duty confided to me in letter G, and I trust, in the declarations there made, I have neither gone beyond the letter or spirit of my instructions; having been influenced throughout the whole correspondence, by a strong desire to discharge a delicate trust with becoming graciousness; and, while making known the sentiments of the American people, and the determination of my government, to conciliate, by a friendly style and manner, the good feelings of those in authority, all of whom are men of high standing, and justly estimable. I hope my remarks on the laws of blockade will be considered by yourself and the President pertinent and proper. I believe I conceived your views on that subject. It cannot, however, be expected that an officer who embarked at the age of eleven on an element where the accomplishments of a scholar are not required, should shine in a correspondence of a diplomatic cast; especially when depending wholly on his own feeble capacity. What I have written on this occasion, has been with a heart glowing with American feelings, with an enthusiastic admiration of our laws, institutions, and great men; if, therefore, a little egotism should occasionally appear, I plead this in extenuation.

The hospitality of the port has been freely and fully extended to my ship, and the personal attentions of those in authority have been gratifying to me and my officers. To a system of privateering they are opposed; and the governor will do all in his power to discourage its continuance. Indemnification for the past, I fear, we shall have to look for to the treasury of Spain.

I shall be active in attending to everything in which the interest of our commerce is concerned; and shall endeavor to sustain the American character by a manner gentle, yet firm—taking on myself no responsibility, keeping constantly in eye the reciprocal rights of nations, and your instructions.

I have the honor to remain, sir, your obedient servant,

ROBERT TRAIL SPENCE.

P. S.—I shall leave these seas the last of October for Africa.

The Hon. Smith Thompson, *Secretary of the Navy, Washington.*

A.

United States Ship Cyane, *St. John's, Porto Rico, August* 26, 1822.

Sir: Instructed to proceed to Porto Rico, to communicate with your excellency, in relation to the infringement of American rights, by vessels fitted out at different ports of this island, I had scarcely anchored with this ship, ere I learned that several citizens of the United States (after experiencing the most brutal treatment from a gang of desperadoes, belonging to an armed schooner, now in, and said to be of this place,) have been imprisoned, and are at present in confinement.

These American citizens, I understand, were taken from the brig Andrew Jackson, while peaceably pursuing their vocation on the high seas, under the flag of the United States.

So gross a violation of the usages of all civilized nations is calculated to excite universal abhorrence; and the just indignation I am persuaded your excellency must feel on being informed of such an atrocious act, renders it only necessary that it should come to the knowledge of your excellency, to cause the immediate release of said citizens, and the prompt and salutary punishment of those violators of the laws of nations and humanity.

With most perfect consideration, &c., ROBERT T. SPENCE.

His excellency FRANCISCO GONZALEZ DE LINAREZ, *Governor of Porto Rico.*

B.

UNITED STATES SHIP CYANE, *Porto Rico, August* 27, 1822.

SIR: I am directed to call the attention of your excellency to the capture and detention, by privateers fitted out from this island, of several American merchant vessels, while pursuing a lawful commerce during a time when the United States enjoy profound peace with all nations.

Your excellency will readily perceive, that under such circumstances, the violation of American rights here complained of, calls for a speedy interposition of justice and authority. Justice, that a restitution of these captures may be made; and authority, to prevent a repetition of similar outrages.

I will, as soon as possible, transmit to your excellency the names of the vessels to which this complaint refers, with a statement of the circumstances attending their capture; confidently believing that your excellency will adopt, as early as possible, such measures as shall, in your wisdom, be deemed sufficient to arrest these depredations, which, in some cases, can be viewed in no other light than piratical.

The flag of the United States, floating in every ocean, gurantees protection to all who lawfully sail under it; the invasion of rights identified with this flag, it would neither be honorable, wise, nor expedient to permit; and that trade to which, as a neutral, the United States have claim uninterruptedly to pursue, cannot be molested.

The American commerce, second to none for magnitude, enterprise, and fair dealing, must, to insure a continuance of these constituent features, be preserved inviolate; and the protection necessary to effect this object, the government of the United States is determined to afford, whether in the seas of the Mediterranean, Pacific, or Caribbean, where outrages, tending to degrade the flag under which they are committed, are daily occurring; these, as far as they shall come under the cognizance of your excellency, I am persuaded will be restrained and prevented.

The amicable and friendly footing, on which Spain and the United States are at this time, convinces me, that nothing more than a proper representation of these facts is required, to call the subject-matter to the *immediate attention* of your excellency.

Fully believing this, I have the honor to remain, &c., ROBERT T. SPENCE.

His excellency Don FRANCISCO GONZALEZ DE LINAREZ, *Governor of Porto Rico.*

C.

UNITED STATES SHIP CYANE, *St. John's, Porto Rico, August* 28, 1822.

SIR: Having informed your excellency that I have been instructed to proceed to this place, to communicate with your excellency on the subject of captures made by privateers, fitted out of this island, of American vessels, while pursuing, in time of peace, a lawful trade, I now have the honor to transmit a memorandum, embracing the names of these vessels, and the circumstances attending their seizure.

It appears that some of these vessels have been sent in, and after a grievous detention, declared to be a "*bad prize;*" subject, however, to pay all the costs of suit, and one-third of the expenses of the privateer.

To one as profound in all matters of law and equity as your excellency, this must appear a strange proceeding; a proceeding, calling, with much emphasis, for the interposition of your excellency's authority, to remedy evils bearing a character calculated to diminish the high respect heretofore entertained by the world, for the equitable decisions of Spanish courts.

A pretended violation of blockade, it appears, is the pretext for sending into the ports of this island, vessels navigating the sea under the American flag. The whole, therefore, may be resolved into two descriptions of cases: The first, comprising vessels seized and again released as "*bad prizes,*" paying the whole of the costs of trial, and a portion of the expenses of the privateer.

The principles of equity applicable to such cases are too simple to require exposition. The innocent are not to pay the penalty of another's guilt or imprudence. If an American is interrupted in her voyage, captured and vexatiously detained, until a judicial investigation determines her to be a "*bad prize,*" it seems to me self-evident, that all costs of the suit should be paid by the captors, in whom the wrong is; add to this, that proper damages should be levied on the aggressor, that the sufferer may be fairly indemnified, and the "*privateersman*" be restrained in future by a fear of being, in all similar cases, called upon to make good the injury resulting from his wantonness. Without such a check, what is there to limit the mischief done by men of this order, who, stealing from their dens and lurking places, pollute the ocean with the blood of defenceless sailors, and gorge their cupidity with the spoils of plunder and ravage?

The good of every nation, and the honor of some, require that so foul a system should be made to cease, that every navigable sea may be rendered safe to the honest efforts of enterprise.

The second description of cases to which I wish to call the immediate attention of your excellency, are those vessels sent in under a pretext of attempting to enter a blockaded port. The pacific policy uniformly pursued by the government of the United States, the just and liberal principles by which it has been governed through all its various struggles, to treat all nations as friends, and, especially, to be on the most friendly footing with Spain, entitle the citizens of America to the privilege of navigating the

seas, without molestation on pretexts so flimsy as those of violating a "blockade" which has never existed *de facto*.

It is well understood that a blockade, to carry with it the penalty of forfeiture, must be conformable to the established opinions of those distinguished civilians who have fully and ably expounded this subject.

In the first place it must be practicable; it must be defined within limits commensurate with the ability; a stationary force must intervene; the vessel entering must be warned off; these, and other qualifications are essential to constitute a blockade, as now understood by the President of the United States and other great statesmen. If, then, such is the form and nature of a blockade; if the constant presence of a stationary squadron, adequate to the purpose of intercepting all vessels, is indispensable; how is it that a whole coast, without any definite limit, should be under the ban of interdiction, without any visible force, consequently without the first requisite of a blockade?

While such pretexts for spoliation exist, and the commerce of the United States is thus devastated, the relations of love and friendship now existing between the two nations must be shaken, and a state of things produced such as I am persuaded your excellency will feel desirous to avert.

I trust I shall be excused these remarks, made to one by whom the principles of "blockade" are fully understood, and whose experience is such as to render the application of them in all cases just and proper.

It will readily occur to the wisdom and justice of your excellency that injuries sustained by American citizens from illegal seizure and detention, carry with them a fair claim to indemnity; and that where there has been a manifest partiality in the courts deciding on some of the cases presented for your consideration, that the arm of authority should be extended to remedy, and to require more equitable decisions. In these cases it is *hoped* and *expected* that your excellency will direct a revisal of the proceedings of subordinate tribunals, that such of the citizens of the United States as have suffered by them may be immediately made whole in their property, *and receive damages* for unjustifiable detention.

Your excellency, influenced by high and honorable motives, will doubtless see the propriety of ordering all American vessels now detained to be *forthwith released*, and the punishment of marauders who have tarnished the dignity of the Spanish character by acts of inhuman treatment to citizens of the United States; by the most flagrant outrages; by a prostration of all the usages of civilized society; thereby bringing the commercial world into a state truly to be deplored, tending to arm man against his brother man, and to make safety nowhere but in strength and habitual hostility.

Submitting this application to the early attention of your excellency, and calling upon your excellency immediately to interpose your authority to prevent a continuance of these causes of just complaint, and confidently believing that your love of justice, order and humanity will impel you promptly to meet the wishes of my government on this subject.

I remain, with the most perfect consideration, your excellency's obedient servant,

ROBERT T. SPENCE.

His excellency Don Francisco Gonzalez de Linarez, *Governor of Porto Rico.*

List of American vessels captured by Spanish privateers, and sent into the different ports of Porto Rico.

Barque American, Emery, master, of Kennebunk. This vessel was sent into Cape Roxo, by the Spanish felucca La Carmen, tried, and declared a *bad prize*, but sentenced to pay all costs of the trial, and one-third of the charges of the privateer for her detention; and was compelled, in consequence, to sell her cargo at a great sacrifice.

Brig Sam, of Portland, Crowell, master. This vessel was sent into Cape Roxo by the same privateer, and it is understood that she is still detained.

Brig Bliss, of Baltimore, Dungan, master. This vessel was sent into Cape Roxo by the same privateer, and after a vexatious detention was suffered to proceed, paying all the costs of trial, and one-third of the expenses of the privateer.

Brig Elizabeth, of Georgetown, West, master. This vessel was sent into Aguadilla by the privateer General Pereira, for trading to a blockaded port.

Brig General Jackson, of New York, Langdon, master, captured and sent into Ponce, by the schooner General Pereira, at which place she is now detained; and part of her crew, after very inhuman treatment, imprisoned at this place.

D.

United States Ship Cyane, *St. John's, Porto Rico, August* 29, 1822.

Sir: I have the honor to acknowledge the receipt of your excellency's letter of the 27th instant, (a translation I have but this moment been able to obtain,) in which you refer me to a communication made to Mr. Lord, the commercial agent, in reply to an application made the day previous to my arrival, for the release of the crew of the brig Andrew Jackson. The sentiments and expressions of your excellency in relation to this outrage are duly appreciated. I felt persuaded that the harsh and illegal imprisonment of unoffending American citizens could not have come to the knowledge of your excellency; and there are other outrages of similar character not yet known, I am convinced, to the high authorities of Porto Rico.

I beg leave to enclose you a copy of a letter from the government interpreter at Ponce, into which place the brig Andrew Jackson was taken. This is a representation from a Spanish functionary, and your excellency, I doubt not, will agree with me, that if the facts there stated are true, there is no other appellation by which I could designate the perpetrators of such inhuman severity, save that of "desperadoes;" men restrained by none of the gentle obligations of humanity.

It is a fact, notoriously known, that the crew of the "Andrew Jackson," illegally and harshly confined at the time of my writing to you, had been previously robbed of everything save the clothes they had on at the time of entering the prison; their jack knives were even cut from their laniards! If to men who can thus act, who can divest a defenceless "American tar" of everything, even to his wearing apparel, I could apply any other distinguishing name than that of "robber," I confess to your excellency I should have selected a milder epithet.

A glance at the history of the past, displays, in the Spanish character, the principles and high sentiments of which you speak; the island before us bears full testimony of their enterprise and greatness. It was to those sentiments and principles I appealed, when I requested your early attention to proceedings calculated to sully that dignity of which every "Spaniard" is justly proud.

The capture of the Pancheta by a vessel of war of the United States was entirely unknown to me on my arrival at St. John's; but, I can confidently assure your excellency, that you have been misinformed as to some of the circumstances attending it. I have understood that the privateer Pancheta has been of considerable annoyance to our commerce in these seas, and that, falling in with the United States schooner Grampus, fired into her. The consequences that would result from such an act, may be conceived by your excellency.

The instructions given to officers of the American navy are such as to render it impossible that they can be the aggressors—and the feelings that have characterized them, will always ensure, in these unhappy rencounters, humanity and tenderness.

Vessels have formerly been sent into ports of the United States on apparent good grounds, such as attempts on our commerce; but, in all instances in which cause for condemnation did not appear, heavy damages were awarded, and the sufferers made more than whole in their property. Retribution is there always at hand.

In the case of the Pancheta, I beg leave to assure your excellency, there must have been great cause for the course pursued. As to the indignity offered to the flag, your excellency, I trust, is misinformed; for no officer in the navy dare stand before the tribunal of the American people, justly charged with having violated the best constituents of the American character—magnanimity and knightly generosity.

This unfortunate occurrence has grown out of the necessity of sending an armed force to these seas, for the purpose of convoying our vessels, and of guarding them against the violence that has been committed upon them by privateers infesting the ocean for the purposes of plunder. If, in the execution of this duty, rendered necessary by the state of things, calamities unavoidably occur, they must, doubtless, be deplored by the lovers of peace and concord, but cannot be chargeable to us as voluntary acts.

It is an indisputable fact, although not known to your excellency, that the captain's and mate's trunks of the American brig Sam, captured and taken into Cape Roxo, were broken open, while himself and crew were on board the privateer, and four hundred and twenty Spanish dollars taken from them; also one trunk of Madras handkerchiefs and other merchandise. These are transactions unknown to your excellency, having taken place prior to your excellency's arrival—they are the acts of privateersmen, from which it would be absurd to infer the character of a wise and liberal nation, like that of Spain.

Seeing the evils that result from the course pursued by privateers out of this island, I call upon your excellency, in the name of humanity, and of that benign policy which has marked the course of our political career, to place such checks and restraints upon their proceedings as will, in future, secure the American commerce from interruption, and those vexatious seizures of which the citizens of the United States justly complain.

These complaints, resting on the foundation of wrongs of an aggravated nature, which cannot be justified by any previous aggressions of American citizens, convince me that they will not be sanctioned by one of your excellency's liberal and comprehensive views.

Confident of this, I feel much satisfaction in complying with that part of my instructions which requires me to learn from your excellency how far privateers fitted out of this island are authorized to capture and bring in for adjudication, the vessels of the United States pursuing a lawful commerce. Information on this head will serve to explain fully the footing on which our maritime relations rest in this quarter.

Be pleased to accept my best wishes for the health and happiness of your excellency, and believe me, with the most perfect consideration,

Your excellency's obedient servant,

ROBERT T. SPENCE, *Captain U. S. Navy.*

P. S.—I also enclose a copy of a letter, from the master of the brig General Andrew Jackson, relative to his treatment from the crew of the Spanish privateer General Pereira.

His excellency Don Francisco Gonzalez de Linarez, *Governor of Porto Rico, &c., &c., &c.*

E.

U. S. Ship Cyane, *St. John's, P. R., August* 30, 1822.

Sir: Since the receipt of your letter, alluding to the capture of the Pancheta, some of the circumstances attending it have come to my knowledge.

It appears that this privateer has been for a considerable time engaged in intercepting our vessels, frequently boarding them, and exercising an intolerable inquisition, vexatious of themselves, sufficient to call for a remedy, but would not have occasioned any offensive measures on the part of American cruisers. The instructions given to our commanders confine their discretionary powers within limits too circumscribed to admit of their being led to an act of indiscretion. They are imperatively commanded to do nothing that can tend to interrupt the harmony existing between the United States and other powers, whose maritime rights have ever been respected, and never designedly infringed.

The immediate cause of the Pancheta's capture was her having been guilty of several recent acts of plunder, and her having, but a short while previously to her "mishap," taken a number of articles from an American trader, to which the captain and crew made oath. If these facts are as represented, and I

am induced to think they will be incontrovertibly established, they certainly must be denominated acts of piracy committed upon the citizens of the United States, who have been made to suffer, in their property and feelings, by these and similar outrages. Add to these causes, on being hailed, she fired into the United States schooner Grampus. What armed vessel could expect to fire at an American ship of war with impunity?

These circumstances, when the affair shall be judicially investigated, I am inclined to think will be found substantially correct; if otherwise, there is an equity in the government and laws of the United States that never was appealed to in vain. There is a sentiment of honor and generosity in the American people that will sustain the injured, be he friend or foe—that will redress wrongs with "even-handed justice."

I have deemed it proper to make this statement, with a view to allay the sensations of which your excellency speaks, as having been excited by this transaction; sensations I have had occasion myself to experience, with the additional aggravation of knowing that the authors of them, lurking in obscurity, were sheltered from personal amenability; while, in the present case, your excellency must feel an assurance that the standing of the active officer in command of the Grampus, as well as the magnitude of the affair, are such as to pass them in review of the whole American people—a never-erring ordeal; that laws, and not individuals, will decide as to the criminality of the cruise of the Pancheta, and will determine how far that officer was justifiable in arresting her depredatory excursions.

American cruisers have been sent to these seas to protect our trade; there existed a crying cause—the means of mischief were accumulating—impunity had produced audacity; and the ocean washing the shores of these islands, which the interest of the world requires should be unprofaned by the path of the plunderer, had become the theatre of outrage and rapine. American citizens had suffered in their property and sacred persons. To remedy these evils, our officers will be active, vigilant, and unweary; producing, by their conduct, a conviction that when acts are perpetrated, such as the Pancheta is charged with having committed, there is no escape. There must be safety in peace, or its best objects are defeated; there must be security on the great "thoroughfare" of all nations, otherwise its best purposes are perverted.

Persuaded that your excellency will not consider this as unreasonable, and that you will see the consequences I have pointed out as the inevitable result of causes herein set forth,

I remain, with the most perfect consideration, your excellency's obedient servant,

ROBERT T. SPENCE, *Captain in the Navy.*

His excellency Don Francisco Gonzalez de Linarez,
Governor of Porto Rico, &c., &c.

F.

U. S. Ship Cyane, *St. John's, Porto Rico, September* 1, 1822.

Sir: Your letters of the 28th and 31st ultimo, in answer to several communications from me, have been duly received—translations of which, I have but this moment been able to obtain.

In relation to the capture of the Pancheta, I beg permission to repeat, that it must be considered as a disaster growing out of the unjustifiable conduct of her crew, and as one of the retributive results of an abuse of her cruising license.

We require that our lawful commerce shall be unmolested; that our vessels shall not, from frivolous causes, and on pretexts of which every privateersman constitutes himself a judge, be intercepted, and subjected to inquisitorial scrutiny, and American citizens made to incur intolerable inconvenience and expense. Evils like these have a remedy, which the most forbearing would not expect should remain dormant.

I am convinced your excellency has been incorrectly informed as to the treatment of the crew of the Pancheta, which you represent as cruel and unmercifully harsh. The officer commanding the schooner Grampus is well known for his humane feeling, and I am persuaded that all practicable and proper mildness was exercised on the occasion.

It is not to a discussion of the laws and principles of "blockade," that I am desirous of calling your excellency's attention—they are settled and established by the concurrent opinion of the wisest statesmen, and are no longer doubtful. "Blockade" is not a mystical arcanum; it involves certain practical rules, amply explained, and, I am persuaded, well and fully understood by your excellency.

It was to invite a just application to these principles, according to the acknowledged usages of the age, that I was led to present the subject to your excellency's attention, thereby to prevent the seizure of our vessels, and to do away a pretext, often alleged, for sending them in for adjudication.

It was presumed that your excellency's powers extended to the correction of evils, existing within the range of your authority; that you had the means of checking the licentiousness of privateering; and that, seeing the pernicious effects of it, you would feel every disposition to shield the commerce of the United States, by the interposition of seasonable restraints.

While I feel confident that your excellency will adopt, with promptitude, measures calculated to ascertain the extent of the grievances set forth in my communication of the 28th ultimo, I must beg leave again to repeat the expression of my hope and expectation, that you will cause all American vessels, now illegally detained in the ports of this island, forthwith to be released, and equitable damages awarded such of the citizens of the United States as have suffered, either in property or person.

The well known character of your excellency, for wisdom and justice, inclines me to believe that these expectations will appear reasonable and right, and that they will be fully and satisfactorily realized by

Your excellency's obedient servant,

ROBERT T. SPENCE, *Captain in the Navy.*

His excellency Don Francisco Gonzalez de Linarez,
Governor of Porto Rico, &c., &c.

U. S. Ship Cyane, *St. John's, Porto Rico, September* 3, 1822.

Sir: I have had the honor to receive several communications from your excellency, in reply to letters addressed to you on subjects of very considerable moment.

Your professions of respect for the laws of nations, and your determination of making them, and the laws of the "constitutional monarchy of Spain," your guides, and the intention you express of inquiring into the matters set forth in my official representations, &c., &c., are all properly appreciated, and will, doubtless, prove highly efficacious. The laws of Spain, no doubt, are all which the accumulated experience of ages, and the united wisdom of sage men ca n make them; and, if administered by one of your excellency's impartiality, would, I am persuaded, afford no good cause of complaint.

I had the honor, a few days since, to present, for the consideration of your excellency, some of the proceedings and decisions of the constituted tribunals of the island; whether such are just or legal, your excellency can decide—to me they seem novel and extraordinary; and, with a knowledge of some of the minor circumstances attending those vexatious trials, I cannot refrain from saying they appear strange.

I am sure your excellency will deem it due to the dignity of the "constitutional monarchy" you represent, to cause American citizens to be indemnified for the loss sustained by such adjudications as your excellency has been invited to investigate. It is but right and just to expect this of the laws of Spain; and while I indulge a belief that such will be the course pursued, I am led to call your attention to the policy of doing away all future occasion of dissatisfaction, by rendering the owners, or captains, of the privateers out of Porto Rico, more accountable.

In my letter of the 29th ultimo, I requested that your excellency would do me the honor to state how far these privateers are authorized by the authorities of the island to capture, and bring in for adjudication, vessels of the United States engaged in the pursuit of a lawful commerce. This information your excellency has not thought proper to afford.

From the facility with which these small privateers are fitted out, and from the description of persons on board some of them, it has occurred to me that they are not made to enter into penal bond to restrain, and produce responsibility, for the excesses they may commit, but are left to cruise "*ad libitum.*" Under such circumstances, transgressions are inevitable.

It is against the aggressions of such vessels, I remonstrate—protesting against the improper privilege they have exercised, of intercepting and detaining, on the high seas, vessels of the United States engaged in a lawful trade. And it becomes necessary for me to inform your excellency, and wish it should be known to all whom it may concern, that, with a view to prevent, as far as practicable, a state of things fraught with mischief and abuse; to guard against a maritime anarchy, to which the commerce of the United States cannot be subjected; to secure to its citizens safety, and to its flag the benefits of peace and neutrality; and to preserve the harmony my government is desirous should exist between the two nations; I shall, as far as possible, give convoy to American vessels navigating these seas, and shall forbid, and prevent, any interruption or detention by any privateer or armed vessel, and shall feel it incumbent on me to treat as an enemy, and send to the United States, any privateer, or armed vessel, that shall cause hindrance to the lawful voyage of an American vessel, or shall be found violating the flag of the United States, and the laws of nations.

Satisfied that your excellency will look upon this course of conduct as moderate, and unavoidable, I remain

Your excellency's very obedient servant,

ROBERT T. SPENCE, *Captain in the Navy.*

His excellency Don Francisco Gonzalez de Linarez, *Governor of Porto Rico.*

No. 1.

[Translation.]

Don Fr. Gonzs. de Linarez to Captain Spence.

Sir: On the receipt of your official letter, informing me, generally, of the depredations and excesses committed by the Spanish privateers of this island, upon the vessels of the United States, as I was informed, and in particular, upon the brigantine General Andrew Jackson, by the Pereira, I resolved to take the first care with respect to the last, by the information of an individual of that nation, Mr. Judah Lord.

My answers to this gentleman showed him my surprise, and the just indignation which so unlawful a transgression of the law of nations had excited in this government; the precautions which it took to prove its truth; and the justice which animated it to punish the crime with all the rigor of the Spanish laws; laws capable of themselves of what he, on his part, can desire.

The same, therefore, that I said to Mr. Lord I repeat to you; animated with the same principles and sentiments which govern the conduct of the supreme government of the Spanish nation, and which form its character, acknowledged by all the nations of the earth.

But I am certain that you have not been well informed regarding the destruction and spoliations generally committed upon all American vessels. I have the most repeated proofs of the regular conduct of the Spanish privateers towards these vessels, which they have examined and respected in very considerable numbers, showing to the world that they are not desperadoes, because they know not what it means, nor thieves because they are Spaniards.

Would to God that some vessels of the military marine of the United States had observed towards Spanish vessels, and towards the national military flag, a conduct so regular! I am certain that there would not have been the disagreeable sensations which now exist from it.

When I speak to you, sir, in this manner, I do it with respect to the scandalous attack made by the United States schooner-of-war the Grampus, upon the Spanish privateer the Palmyra, which she attacked in the midst of peace, killed and wounded several of her crew, treated with indignity the Spanish flag, confined in chains the greater part of her crew, and that at the very moment when an officer was about going on board of her to present her papers, and to comply with the law of nations.

You will perhaps be informed of this attack, seldom seen in the history of civilized nations; and no doubt if you have been so with truth, as I am, you will have had the same horror and disgust; because it is impossible otherwise to consider the most sacred conventions trampled upon, and the majesty of a nation insulted; of a nation which has always preserved her rights, and which, oftener than once, has given public proofs of her constancy, and of her never having been offended with impunity.

For my part, with respect to this event, I do nothing else but point it out to you as a particular piece of news, because its decision belongs to the supreme government of both nations. As a functionary of mine, I will not depart from the path which it has pointed out to me; justice shall always be my guide. I shall respect the laws of nations; and I shall punish, with the laws in my hand, such Spanish subjects as shall transgress their duties.

God preserve you many years. FR. GONZ. DE LINAREZ.

PORTO RICO, *August* 27, 1822.

No. 2.

[Translation.]

Don Francisco Gonzalez de Linarez to Captain Spence.

PORTO RICO, *August* 28, 1822.

SIR: I have just seen your official letter of yesterday, relative to the depredations which are said to have been committed by Spanish privateers against the vessels of the United States.

As this communication is substantially the same as the former, it appears only necessary to repeat my yesterday's answer; but, wishing to give you new proofs of the justice and good faith of the Spanish government, I will enter into new explanations.

I am persuaded that the armed privateers of this island have not committed, upon the vessels of the United States, the scandalous crimes with which your personal concern has been raised, or a mistake has entered into your mind. They have been examined by many, and have, without the least injury, continued their voyages; and doubtless, in a short time, you will be convinced of a truth so notorious.

I only speak of the privateers armed in this island, and am very far from making an apology for those that have been armed in other provinces, because I am ignorant of their conduct; and although it may have been criminal in this manner, it belongs not to my authority to punish them.

But if it is very strange that, even when there were some trifling excesses, energetical remonstrances were made for them; and the attack of the American schooner Grampus has been passed over in silence, or considered as a circumstance of no moment, in which the particular circumstance occurred of her belonging to the navy of the United States; what comparison can ever exist between the detention of a vessel, and even committing some pitiful and contemptible depredation (if such has been done), and the attack of the other, to destroy her in a perfidious manner, to cause the death, and imprisonment of the crews in chains; and what is more, insulting and trampling upon the Spanish military flag? Who ever so openly violated the maritime law of nations? And who, after such a violation, will attempt to declaim against injuries either imaginary or immensely less?

In fine, the peace between two nations, as Spain and that to which you belong, sir, is a blessing for the preservation of which I am ready to become a sacrifice; therefore I do not hesitate to assure you that the laws will be enforced in as far as they have been transgressed; and therefore I consider myself entitled to require the same frankness and consideration from you, notwithstanding my having explained myself so rudely; because our respective governments will do what they think proper, and will do what is most just for the well being of their people.

God preserve you many years.

FR. GONZALEZ DE LINAREZ.

No. 3.

[Translation.]

Don Francisco Gonzalez de Linarez to Captain Spence.

PORTO RICO, *August* 31, 1822.

SIR: I have the honor to answer the note which you were pleased to address to me, under date of 28th instant, relative to the indemnification which ought to be made to the American vessels detained by privateers of this island, and condemned to pay costs, after being declared innocent by the courts of justice; and, also, relative to the nullity and illegality of the blockade declared against the ports of Terra Firma, for the reasons which you are pleased to give as your opinion.

The principles established by the maritime law of civilized nations are not unknown to me, nor the causes which have influenced the declaration of blockade against the ports occupied by the insurgents; nor even the maritime military force by which this declaration can be, and has been supported; yet, as on one hand my authority, being circumscribed to a province at a distance from those places, has no influence, nor can have, in any official acts; and, on the other, subjects of this nature belong, by their character, to the examination and decision of the supreme governments of the nations, it is my duty to avoid all interference in them, and to confine myself to the circle of my functions.

I have before me the note which you were pleased to enclose to me in your said official letter, containing the vessels detained, with the circumstances in which they have been, and the consequences which have ensued. I owe it to the justice, to the unalterableness of my principles, and to the rectitude of the government which I represent, to declare to you that I shall take all the provisions within my

power to elicit the truth of what has occurred with respect to the detained vessels, repeating that you may rest assured that the laws of the kingdom shall judge and decide upon them, without the possibility of any alteration in their legitimate application. Neither partiality nor personal interest, nor the passions, shall have any voice or take any part in the decisions; the law shall dictate, and all (I the first) shall submit to it.

God preserve you many years. FRANCIS GONZALEZ DE LINAREZ.

No. 4.

[Translation.]

Don Francisco Gonzales de Linarez to Captain Spence.

SIR: I have just received the translation of your official note of the 29th ult., and which is an answer to mine of the 27th, containing, also, the former acknowledgment of the letter of the interpreter de Ponce, which was communicated to me by Mr. Lord, a citizen of the United States; and now recently of the declaration of Mr. Arthur Edgerton, mate of the brig Andrew Jackson, in which I have had the pleasure of reading that he and his companions, detained on board the privateer, *had been well treated.*

You will be pleased, sir, to let me know the things which have been plundered from the detained vessel, and claim the damages which have ensued on her detention. I have taken all the measures which were in my power, for eliciting the truth of the facts, in the manner provided by the laws of Spain; and when, according to them, the delinquents are tried and convicted, they shall be punished; then the tribunals established by the constitutional law of the monarchy will take cognizance, to which the power of judging and applying the laws, is exclusively granted—principles from which it is impossible for me to deviate, as it is with respect to those which rule in the United States, for any functionary to deviate from them.

You may rest assured, that, if the authorities appointed there to try crimes of this class, are inexorable in their conduct, admitting nothing but law and justice, those which are in the territory of the constitutional monarchy of Spain, summoned for that purpose, will never yield in their principles of justice, and in the fulfillment of their duties. To them it belongs to try by the laws, and to apply them, and to the political government of the people to enforce the execution of the legal decisions of the judicial power, and to watch over the observance of the laws, by taking care that no one break them.

God preserve you many years.

FRANCISCO GONZALEZ DE LINAREZ.

PORTO RICO, *September* 1, 1822.

No. 5.

[Translation.]

Don Francisco Gonzalez de Linarez to Captain Spence.

SIR: Your official note of the 30th ult. has informed me of the intelligence which has reached you of the motives which the schooner Grampus had for the hard and unexpected treatment of the Spanish privateer, the Palmyra.

My former communications have shown you what my principles are, and what my conduct has been in this matter, as a faithful observer of the fundamental laws of the Spanish monarchy. The truth of what has happened in that capture, will be the result of a legal investigation, in which sinister informations, which partiality or personal interest often dictate, have no part. When that shall have been elucidated in the way which the laws require, our supreme government will decide with justice what is proper.

God preserve you many years.

FRANCISCO GONZALEZ DE LINAREZ.

PORTO RICO, *September* 2, 1822.

[Translation.]

Don Francisco Gonzalez de Linarez to Captain Spence.

SIR: I have the honor to answer your official note of the 1st inst. Its object is—1st The good conduct of the schooner Grampus in the capture of the Pancheta; 2d. The necessity under which the government is of putting a stop to the operations and irregular conduct of the privateers towards American vessels; 3d. To procure the immediate liberation of those that may have been detained in the ports; 4th. Prompt indemnification for the losses they have sustained.

On making the enumeration of these matters, I must call your attention to my former answers, because they have already been treated of in them implicitly and explicitly. Notwithstanding, I will repeat to you that the decision upon the justice or injustice, the validity or invalidity, the legality or illegality, of the blockade on the coast of Terra Firma, is beyond my authority; that the privateers are informed by the ordinances of their cruise of their respective obligations, for the transgression of which they will be responsible, and punished by the laws, in the same manner as in similar cases the privateers of the United States would be by the justice of the government, if they should transgress the limits which should be prescribed to them, but without this transgression they should not be responsible; lastly, that, by the political constitution of the Spanish monarchy, the functions of the judicial power are clearly

designated, the government being totally prohibited from being joined with them; and one of the great props of civil liberty consisting in this clear separation. To preserve interior tranquillity and security; to procure public prosperity; to maintain established order; to watch over the observance of the laws; to publish them; to cause the execution of the decisions of the courts of justice to be in all its parts an agent of the government—here, sir, you may see the circle of my functions.

God preserve you many years.

FRANCISCO GONZALEZ DE LINAREZ.

PORTO RICO, *September* 9, 1822.

Extract of a letter from Captain Robert T. Spence, commander of the United States ship Cyane, to the Secretary of the Navy, dated —

ST. JOHNS, *Porto Rico, September* 5, 1822.

Since my letter of the 3d instant, transmitting my correspondence, I have had a conversation with the governor, who begs me to be assured, that all he can do, shall be done to meet my wishes, in relation to the privateers fitted out of the island; that those already out were equipped before he assumed the government; that he is opposed to it, both in his private and public capacity; that future restraints shall be placed upon them; and that he will remedy all abuses, as far as he has the power. That the brig Andrew Jackson he had ordered to be set at liberty; that he should inquire into the cause of her detention; and, unless good and sufficient reasons can be given, he will take steps to cause the judge to be removed. In fine, that he will do his utmost to keep the laws of nations inviolate. That, upon the subject of blockade he can do nothing; it was a question that must be settled between the two governments; the blockade had been declared by General Morillo, it was recognized, and the consequences of violating it were inevitable; over this question he had no control.

List of the names and force of the privateers fitted out from the various ports of the Island of Porto Rico.

Palomo—A full rigged brig, pierced for twenty guns, carries six guns (18-lb. carronades) has a complement of one hundred and thirty men. Fitted out from this port, and now on a cruise.

Pancheta—An hermaphrodite brig, pierced for sixteen guns, carries ten to twelve guns, has a complement of one hundred and twenty men—captured by the Grampus.

Schooner General Pereira—Pierced for sixteen guns; carries six to eight guns, and has a complement of eighty men; is fitted out from this place, and now in this port.

Schooner Bruquena—Carries four guns and fifty to sixty men, fitted out from this port, and now on a cruise.

Schooner Hora de la Mar—Fitted out from Foxardo, and now on a cruise; carries one gun and forty men.

Flechera la Carmen—Fitted out from Porto Cabello; carries four guns, and a complement of fifty men.

Besides the above, there are (I am informed) three or four other small privateers, from the different ports of this island, of the names and force of which I have no knowledge.

Official communication from the Department to Commodore Porter.

A.

NAVY DEPARTMENT, *February* 1, 1823.

SIR: You have been appointed to the command of a squadron, fitted out under an act of Congress of the 20th of December last, to cruise in the West India seas and Gulf of Mexico, for the purpose of suppressing piracy, and affording effectual protection to the citizens and commerce of the United States. Your attention will also be extended to the suppression of the slave trade, according to the provisions of the several acts of Congress on that subject, copies of which, and of the instructions heretofore given to our naval commanders thereon, are herewith sent to you. While it is your duty to protect our commerce against all unlawful interruption, and to guard the rights, both of person and property, of the citizens of the United States, wherever it shall become necessary, you will observe the utmost caution not to encroach upon the rights of others; and should you, at any time, be brought into discussion or collision with any foreign power, in relation to such rights, it will be expedient and proper that the same should be conducted with as much moderation and forbearance as is consistent with the honor of your country and the just claims of its citizens. Should you, in your cruise fall in with any foreign naval force, engaged in the suppression of piracy, it is desirable that harmony and a good understanding should be cultivated between you; and you will do everything on your part, that accords with the honor of the American flag, to promote this object. So soon as the vessels at Norfolk shall be ready for sea, you will proceed to the West Indies, by such route as you shall judge best for the purpose of effecting the object of your cruise. You will establish, at Thompson's Island, usually called Key West, a depot, and land the ordnance and marines to protect the stores and provisions; if, however, you shall find any important objection to this place, and a more suitable and convenient one can be found, you are at liberty to select it as a depot.

You will announce your arrival and object to the authorities, civil and military, of the Island of Cuba, and endeavor to obtain, as far as shall be practicable, their co-operation, or at least their favorable and friendly support, giving them the most unequivocal assurance, that your sole object is the destruction of pirates. The system of piracy which has grown up in the West Indies, has obviously arisen from the war between Spain and the new governments, her late provinces, in this hemisphere, and from

the limited forces in the islands, and their sparse population, many portions of each being entirely uninhabited and desolate, to which the active authority of the government does not extend. It is understood that establishments have been made by parties of those banditti, in those uninhabited parts, to which they carry their plunder, and retreat in time of danger. It cannot be presumed that the government of any island will afford any protection or countenance to such robbers. It may, on the contrary, confidently be believed, that all governments, and particularly those most exposed, will afford all means in their power for their suppression.

Pirates are considered, by the law of nations, the enemies of the human race. It is the duty of all nations to put them down; and none, who respect their own character or interest, will refuse to do it, much less afford them an asylum and protection. The nation that makes the greatest exertions to suppress such banditti, has the greatest merit. In making such exertions, it has a right to the aid of every other power, to the extent of its means, and to the enjoyment, under its sanction, of all its rights in the pursuit of the object.

In the case of belligerents, where the army of one party enters the territory of a neutral power, the army of the other has a right to follow it there. In the case of pirates, the right of the armed force of one power to follow them into the territory of another, is more complete. In regard to pirates, there is no neutral party; they being the enemies of the human race, all nations are parties against them, and may be considered as allies. The object and intention of our government is, to respect the feelings as well as the right of others, both in substance and in form, in all the measures which may be adopted to accomplish the end in view. Should, therefore, the crews of any vessels which you have seen engaged in acts of piracy, or which you have just cause to suspect of being of that character, retreat into the ports, harbors, or settled parts of the island, you may enter, in pursuit of them, such ports, harbors, and settled parts of the country, for the purpose of aiding the local authorities, or people, as the case may be, to seize and bring the offenders to justice, previously giving notice that this is your sole object.

Where a government exists, and is felt, you will, in all instances, respect the local authorities, and only act in aid of, and co-operate with them; it being the exclusive purpose of the United States to suppress piracy, an object in which all nations are equally interested; and, in the accomplishment of which, the Spanish authorities and people will, it is presumed, cordially co-operate, with you. If, in the pursuit of pirates, found at sea, they shall retreat into the unsettled parts of the islands, or foreign territory, you are at liberty to pursue them, so long only as there is reasonable prospect of being able to apprehend them; and in no case are you at liberty to pursue and apprehend any one, after having been forbidden so to do by competent authority of the local government. And, should you, on such pursuit, apprehend any pirates upon land, you will deliver them over to the proper authority, to be dealt with according to law, and you will furnish such evidence as shall be in your power, to prove the offence alleged against them. Should the local authorities refuse to receive and prosecute such persons, so apprehended, on your furnishing them with reasonable evidence of their guilt, you will then keep them, safely and securely, on board some of the vessels under your command, and report, without delay, to this Department, the particular circumstances of such cases. Great complaints are made of the interruption and injury to our commerce, by privateers fitted out from Spanish ports. You will endeavor to obtain, from the Spanish authorities, a list of the vessels so commissioned, and ascertain how far they have been instructed to intercept our trade with Mexico and the Columbian republic, impressing upon them, that, according to the well settled rule of the law of nations, the United States will not consider any portion of coast upon the Gulf of Mexico as legally blockaded, except where a naval force is stationed, sufficient to carry into effect the blockading order or decree; and that this government does not admit the right or authority of Spain to interdict, or interrupt our commerce with any portion of the coast included within the Columbian republic or Mexican government, not actually blockaded by a competent force.

All the United States ships and vessels of war in the West Indies, of which a list is herewith enclosed, are placed under your command, and you will distribute them to such stations as shall appear to you best calculated to afford complete protection to our commerce, in which you will embrace the object of protecting the convoy of specie from Vera Cruz, and the Mexican coast, generally, to the United States. Keep one vessel, at least, upon this service, to be at or near Vera Cruz during the healthy season of the year, and to be relieved as occasion shall require, both for the convoy of trade, and to bring specie to the United States, confining the transportation to the United States only. You will be particularly watchful to preserve the health of the officers and crews under your command, and to guard, in every possible manner, against the unhealthiness of the climate, not permitting any intercourse with the shore where the yellow fever prevails, except in cases of absolute necessity. Wishing you good health, and a successful cruise,

I am, very respectfully, your obedient servant,

SMITH THOMPSON.

Com. DAVID PORTER, *commanding U. S. Naval Force, West Indies.*

LAWS OF THE UNITED STATES RELATIVE TO THE SLAVE TRADE.

Resolution adopted by the House of Representatives, February 8th, 1823.

Resolved, That the President of the United States be requested to enter upon and prosecute, from time to time, such negotiations, with the several maritime powers of Europe and America, as he may deem expedient for the effectual abolition of the African slave trade, and its ultimate denunciation as piracy, under the law of nations, by the consent of the civilized world.

An act to prohibit the carrying on the slave trade from the United States to any foreign place or country.
[*Laws of the U. S., vol.* 2, *p.* 388.]

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That no citizen or citizens of the United States, or foreigner, or any other person

coming into, or residing within the same, shall, for himself or any other person whatsoever, either as master, factor, or owner, build, fit, equip, load, or otherwise to prepare any ship or vessel within any port or place of the said United States, nor shall cause any ship or vessel to sail from any port or place within the same, for the purpose of carrying on any trade or traffic in slaves, to any foreign country; or for the purpose of procuring, from any foreign kingdom, place, or country, the inhabitants of such kingdom, place, or country, to be transported to any foreign country, port, or place, whatever, to be sold or disposed of as slaves; and if any ship or vessel shall be so fitted out, as aforesaid, for the said purposes, or shall be caused to sail, so as aforesaid, every such ship or vessel, her tackle, furniture, apparel, and other appurtenances, shall be forfeited to the United States; and shall be liable to be seized, prosecuted, and condemned, in any of the circuit courts or district court for the district, where the said ship or vessel may be found and seized.

SEC. 2. *And be it further enacted*, That all and every person, so building, fitting out, equipping, loading, or otherwise preparing, or sending away, any ship or vessel, knowing, or intending that the same shall be employed in such trade or business, contrary to the true intent and meaning of this act, or any ways aiding or abetting therein, shall severally forfeit and pay the sum of two thousand dollars; one moiety thereof to the use of the United States, and the other moiety thereof to the use of him or her who shall sue for and prosecute the same.

SEC. 3. *And be it further enacted*, That the owner, master, or factor, of each and every foreign ship or vessel, clearing out for any of the coasts or kingdoms of Africa, or suspected to be intended for the slave trade, and the suspicion being declared to the officer of the customs, by any citizen, on oath or affirmation, and such information being to the satisfaction of the said officer, shall first give bond, with sufficient sureties, to the Treasurer of the United States, that none of the natives of Africa, or any other foreign country or place, shall be taken on board the said ship or vessel, to be transported or sold as slaves, in any other foreign port or place whatever, within nine months thereafter.

SEC. 4. *And be it further enacted*, That if any citizen or citizens of the United States shall, contrary to the true intent and meaning of this act, take on board, receive or transport any such persons, as above described in this act, for the purpose of selling them as slaves, as aforesaid, he or they shall forfeit and pay, for each and every person so received on board, transported, or sold as aforesaid, the sum of two hundred dollars, to be recovered in any court of the United States proper to try the same; and one moiety thereof to the use of the United States, and the other moiety to the use of such person or persons who shall sue for and prosecute the same.

Approved March 22, 1794.

An act in addition to the act entitled "An act to prohibit the carrying on the slave trade from the United States to any foreign place or country." [*Laws U. S., vol.* 3, *p.* 382.]

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That it shall be unlawful for any citizen of the United States, or other person residing within the United States, directly or indirectly to hold or have any right or property in any vessel employed or made use of in the transportation or carrying of slaves from one foreign country or place to another, and any right or property, belonging as aforesaid, shall be forfeited, and may be libeled and condemned for the use of the person who shall sue for the same; and such person, transgressing the prohibition aforesaid, shall also forfeit and pay a sum of money equal to double the value of the right or property in such vessel, which he held as aforesaid; and shall also forfeit a sum of money equal to double the value of the interest which he may have had in the slaves, which at any time may have been transported or carried in such vessel, after the passing of this act, and against the form thereof.

SEC. 2. *And be it further enacted*, That it shall be unlawful for any citizen of the United States, or other person residing therein, to serve on board any vessel of the United States employed or made use of in the transportation or carrying of slaves from one foreign country or place to another; and any such citizen or other person, voluntarily serving as aforesaid, shall be liable to be indicted therefor, and on conviction thereof, shall be liable to a fine not exceeding two thousand dollars, and be imprisoned not exceeding two years.

SEC. 3. *And be it further enacted*, That if any citizen of the United States shall voluntarily serve on board of any foreign ship or vessel, which shall hereafter be employed in the slave trade, he shall, on conviction thereof, be liable to, and suffer the like forfeitures, pains, disabilities and penalties as he would have incurred, had such ship or vessel been owned or employed, in whole or in part, by any person or persons residing within the United States.

SEC. 4. *And be it further enacted*, That it shall be lawful for any of the commissioned vessels of the United States, to seize and take any vessel employed in carrying on trade, business, or traffic, contrary to the true intent and meaning of this or the said act to which this is in addition; and such vessel, together with her tackle, apparel and guns, and the goods or effects, other than slaves, which shall be found on board, shall be forfeited, and may be proceeded against in any of the district or circuit courts, and shall be condemned for the use of the officers and crew of the vessel making the seizure, and be divided in the proportion directed in the case of prize. And all persons interested in such vessel, or in the enterprise or voyage in which such vessel shall be employed at the time of such capture, shall be precluded from all right or claim to the slaves found on board such vessel as aforesaid, and from all damages or retribution on account thereof: and it shall moreover be the duty of the commanders of such commissioned vessels, to apprehend and take into custody every person found on board of such vessel so seized and taken, being of the officers or crew thereof, and him or them convey, as soon as conveniently may be, to the civil authority of the United States, in some one of the districts thereof, to be proceeded against in due course of law.

SEC. 5. *And be it further enacted*, That the district and circuit courts of the United States shall have cognizance of all acts and offences against the prohibitions herein contained.

SEC. 6. *Provided, nevertheless, and be it further enacted*, That nothing in this act contained shall be construed to authorize the bringing into either of the United States, any person or persons, the importation of whom is, by the existing laws of such State, prohibited.

SEC. 7. *And be it further enacted,* That the forfeitures which shall hereafter be incurred under this, or the said act to which this is an addition, not otherwise disposed of, shall accrue and be one moiety thereof to the use of the informer, and the other moiety to the use of the United States, except where the prosecution shall be first instituted on behalf of the United States, in which case the whole shall be to their use.

Approved May 10, 1800.

An act to prevent the importation of certain persons into certain States, where, by the laws thereof, their admission is prohibited. [*Laws U. S., vol. 2, p. 529.*]

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That from and after the first day of April next, no master or captain of any ship or vessel, or any other person, shall import or bring, or cause to be imported or brought, any negro, mulatto, or other person of color, not being a native, a citizen, or registered seaman of the United States, or seamen, natives of countries beyond the Cape of Good Hope, into any port or place of the United States, which port or place shall be situated in any State which by law has prohibited or shall prohibit the admission or importation of such negro, mulatto, or other person of color; and if any captain or master aforesaid, or any other person, shall import or bring, or cause to be imported or brought into any of the ports or places aforesaid, any of the persons whose admission or importation is prohibited, as aforesaid, he shall forfeit and pay the sum of one thousand dollars for each and every negro, mulatto or other person of color aforesaid, brought or imported as aforesaid, to be sued for and recovered by action of debt, in any court of the United States; one-half thereof to the use of the United States, the other half to any person or persons prosecuting for the penalty; and in any action instituted for the recovery of the penalty aforesaid, the person or persons sued may be held to special bail: *Provided, always,* That nothing contained in this act shall be construed to prohibit the admission of Indians.

SEC. 2. *And be it further enacted,* That no ship or vessel arriving in any of the said ports or places of the United States, and having on board any negro, mulatto, or other person of color, not being a native, a citizen, or registered seaman of the United States, or seamen, natives of countries beyond the Cape of Good Hope as aforesaid, shall be admitted to an entry. And if any such negro, mulatto, or other person of color, shall be landed from on board any ship or vessel, in any of the ports or places aforesaid, or on the coast of any state prohibiting the admission or importation, as aforesaid, the said ship or vessel, together with her tackle, apparel, and furniture, shall be forfeited to the United States, and one-half of the net proceeds of the sales on such forfeiture, shall inure and be paid over to such person or persons on whose information the seizure on such forfeiture shall be made.

SEC. 3. *And be it further enacted,* That it shall be the duty of the collectors and other officers of the customs, and all other officers of the revenue of the United States, in the several ports or places situated as aforesaid, to notice and be governed by the provisions of the laws now existing, of the several States prohibiting the admission or importation of any negro, mulatto, or other person of color, as aforesaid. And they are hereby enjoined vigilantly to carry into effect the said laws of said States, conformably to the provisions of this act; any law of the United States to the contrary notwithstanding.

Approved February 28, 1803.

An act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, in the year of our Lord one thousand eight hundred and eight. [*Laws U. S., vol. 4, p. 94.*]

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That from and after the first day of January, one thousand eight hundred and eight, it shall not be lawful to import or bring into the United States, or the Territories thereof, from any foreign kingdom, place, or country, any negro, mulatto, or person of color, with intent to hold, sell, or dispose of such negro, mulatto, or person of color, as a slave, or to be held to service or labor.

SEC. 2. *And be it further enacted,* That no citizen or citizens of the United States, or any other person, shall, from and after the first day of January, in the year of our Lord one thousand eight hundred and eight, for himself or themselves, or any person whatsoever, either as master, factor, or owner, build, fit, equip, load, or otherwise prepare any ship or vessel, in any port or place within the jurisdiction of the United States, nor shall cause any ship or vessel to sail from any port or place within the same, for the purpose of procuring any negro, mulatto, or person of color, from any foreign kingdom, place, or country, to be transported to any port or place whatsoever, within the jurisdiction of the United States, to be held, sold, or disposed of as slaves, or to be held to service or labor; and if any ship or vessel shall be so fitted out for the purpose aforesaid, or shall be caused to sail so as aforesaid, every such ship or vessel, her tackle, apparel, and furniture, shall be forfeited to the United States, and shall be liable to be seized, prosecuted, and condemned in any of the circuit courts or district courts for the district where the said ship or vessel may be found or seized.

SEC. 3. *And be it further enacted,* That all and every person so building, fitting out, equipping, loading, or otherwise preparing, or sending away, any ship or vessel, knowing or intending that the same shall be employed in such trade or business, from and after the first day of January, one thousand eight hundred and eight, contrary to the true intent and meaning of this act, or any ways aiding or abetting therein, shall severally forfeit and pay twenty thousand dollars; one moiety thereof to the use of the United States, and the other moiety to the use of any person or persons who shall sue for and prosecute the same to effect.

SEC. 4. *And be it further enacted,* If any citizen or citizens of the United States, or any person resident within the jurisdiction of the same, shall, from and after the first day of January, one thousand eight hundred and eight, take on board, receive, or transport from any of the coasts or kingdoms of Africa, or from any other foreign kingdom, place, or country, any negro, mulatto, or person of color, in any ship or

vessel, for the purpose of selling them in any port or place within the jurisdiction of the United States, as slaves, or to be held to service or labor, or shall be in any ways aiding or abetting therein, such citizen or citizens, or person, shall severally forfeit and pay five thousand dollars; one moiety thereof to the use of any persons who shall sue for and prosecute the same to effect. And every such ship or vessel in which such negro, mulatto, or person of color, shall have been taken on board, received, or transported, as aforesaid, her tackle, apparel, and furniture, and the goods and effects which shall be found on board the same, shall be forfeited to the United States, and shall be liable to be seized, prosecuted and condemned, in any of the circuit courts or district courts in the district where the said ship or vessel may be found or seized. And neither the importer, nor any person or persons claiming from or under him, shall hold any right or title whatsoever to any negro, mulatto, or person of color, nor to the service or labor thereof, who may be imported or brought within the United States, or Territories thereof, in violation of this law, but the same shall remain subject to any regulations not contravening the provisions of this act, which the legislatures of the several States or Territories at any time hereafter may make, for disposing of any such negro, mulatto, or person of color.

SEC. 5. *And be it further enacted*, That if any citizen or citizens of the United States, or any other person resident within the jurisdiction of the same, shall, from and after the first day of January, one thousand eight hundred and eight, contrary to the true intent and meaning of this act, take on board any ship or vessel from any of the coasts or kingdoms of Africa, or from any other foreign kingdom, place, or country, any negro, mulatto, or person of color, with intent to sell him, her, or them, for a slave, or slaves, or to be held to service or labor, and shall transport the same to any port or place within the jurisdiction of the United States, and there sell such negro, mulatto, or person of color, so transported as aforesaid, for a slave, or to be held to service or labor, every such offender shall be deemed guilty of a high misdemeanor, and being thereof convicted before any court having competent jurisdiction, shall suffer imprisonment for not more than ten years, nor less than five years, and be fined not exceeding ten thousand dollars, nor less than one thousand dollars.

SEC. 6. *And be it further enacted*, That if any person or persons whatsoever, shall, from and after the first day of January, one thousand eight hundred and eight, purchase or sell any negro, mulatto, or person of color, for a slave, or to be held to service or labor, who shall have been imported, or brought from any foreign kingdom, place, or country, or from the dominions of any foreign State, immediately adjoining to the United States, into any port or place within the jurisdiction of the United States, after the last day of December, one thousand eight hundred and seven, knowing at the time of such purchase or sale, such negro, mulatto, or person of color, was so brought within the jurisdiction of the United States, as aforesaid, such purchaser or seller shall severally forfeit and pay for every negro, mulatto, or person of color, so purchased or sold as aforesaid, eight hundred dollars; one moiety thereof to the United States, and the other moiety to the use of any person or persons who shall sue for and prosecute the same to effect: *Provided*, That the aforesaid forfeiture shall not extend to the seller, or purchaser of any negro, mulatto, or person of color, who may be sold or disposed of in virtue of any regulation which may hereafter be made by any of the legislatures of the several States in that respect, in pursuance of this act, and the Constitution of the United States.

SEC. 7. *And be it further enacted*, That if any ship or vessel shall be found, from and after the first day of January, one thousand eight hundred and eight, in any river, port, bay or harbor, or on the high seas within the jurisdictional limits of the United States, or hovering on the coast thereof, having on board any negro, mulatto, or person of color, for the purpose of selling them as slaves, or with intent to land the same, in any port or place within the jurisdiction of the United States, contrary to the prohibition of this act, every such ship or vessel, together with her tackle, apparel, and furniture, and the goods or effects which shall be found on board the same, shall be forfeited to the use of the United States, and may be seized, prosecuted, and condemned, in any court of the United States having jurisdiction thereof. And it shall be lawful for the President of the United States, and he is hereby authorized, should he deem it expedient, to cause any of the armed vessels of the United States to be manned and employed to cruise on any part of the coast of the United States, or Territories thereof, where he may judge attempts will be made to violate the provisions of this act, and to instruct and direct the commanders of armed vessels of the United States, to seize, take, and bring into any port of the United States, all such ships or vessels, and moreover to seize, take, and bring into any port of the United States, all ships or vessels of the United States, wheresoever found on the high seas, contravening the provisions of this act, to be proceeded against according to law; and the captain, master, or commander of every such ship or vessel, so found and seized as aforesaid, shall be deemed guilty of a high misdemeanor, and shall be liable to be prosecuted before any court of the United States, having jurisdiction thereof; and being thereof convicted, shall be fined not exceeding ten thousand dollars, and be imprisoned not less than two years, and not exceeding four years. And the proceeds of all ships and vessels, their tackle, apparel, and furniture, and the goods and effects on board of them, which shall be so seized, prosecuted and condemned, shall be divided equally between the United States and the officers and men who shall make such seizure, take, or bring the same into port for condemnation, whether such seizure be made by an armed vessel of the United States, or revenue cutters thereof, and the same shall be distributed in like manner as is provided by law for the distribution of prizes taken from an enemy: *Provided*, That the officers and men to be entitled to one-half of the proceeds aforesaid, shall safe keep every negro, mulatto, or person of color, found on board of any ship or vessel so by them seized, taken, or brought into port for condemnation, and shall deliver every such negro, mulatto, or person of color, to such person or persons as shall be appointed by the respective States to receive the same; and if no such person or persons shall be appointed by the respective States, they shall deliver every such negro, mulatto, or person of color, to the overseers of the poor of the port or place where such ship or vessel may be brought and found, and shall immediately transmit to the governor, or chief magistrate of the State, an account of their proceedings, together with the number of such negroes, mulattoes, or persons of color, and a descriptive list of the same, that he may give directions respecting such negroes, mulattoes, or persons of color.

SEC. 8. *And be it further enacted*, That no captain, master, or commander of any ship or vessel, of less burthen than forty tons, shall, from and after the first day of January, one thousand eight hundred and eight, take on board and transport any negro, mulatto, or person of color, to any port or place whatsoever, for the purpose of selling or disposing of the same as a slave, or with intent that the same may be sold or disposed of to be held to service or labor, on penalty of forfeiting for every such negro,

mulatto, or person of color, so taken on board and transported as aforesaid, the sum of eight hundred dollars; one moiety thereof to the use of the United States, and the other moiety to any person or persons who shall sue for and prosecute the same to effect: *Provided, however*, That nothing in this section shall extend to prohibit the taking on board or transporting on any river, or inland bay of the sea, within the jurisdiction of the United States, any negro, mulatto, or person of color, (not imported contrary to the provisions of this act,) in any vessel or species of craft whatever.

SEC. 9. *And be it further enacted*, That the captain, master, or commander of any ship or vessel of the burthen of forty tons or more, from and after the first day of January, one thousand eight hundred and eight, sailing coastwise from any port in the United States to any port or place within the jurisdiction of the same, having on board any negro, mulatto, or person of color, for the purpose of transporting them to be sold or disposed of as slaves, or to be held to service or labor, shall, previous to the departure of such ship or vessel, make out and subscribe duplicate manifests of every such negro, mulatto, or person of color, on board such ship or vessel, therein specifying the name and sex of each person, their age and stature, as near as may be, and the class to which they respectively belong, whether negro, mulatto, or person of color, with the name and place of residence of every owner, or shipper of the same, and shall deliver such manifests to the collector of the port, if there be one, otherwise to the surveyor, before whom the captain, master, or commander, together with the owner, or shipper, shall severally swear or affirm, to the best of their knowledge and belief, that the persons therein specified were not imported or brought into the United States from and after the first day of January, one thousand eight hundred and eight, and that under the laws of the State, they are held to service or labor; whereupon the said collector or surveyor, shall certify the same on the said manifests, one of which he shall return to the said captain, master, or commander, with a permit, specifying thereon the number, names, and general description of such persons, and authorizing him to proceed to the port of his destination. And if any ship or vessel, being laden or destined as aforesaid, shall depart from the port where she may then be, without the captain, master, or commander having first made out and subscribed duplicate manifests, of every negro, mulatto and person of color, on board such ship or vessel, as aforesaid, and without having previously delivered the same to the said collector, or surveyor, and obtained a permit, in manner as herein required, or shall, previous to her arrival at the port of destination, take on board any negro, mulatto, or person of color, other than those specified in the manifests, as aforesaid, every such ship or vessel, together with her tackle, apparel, and furniture, shall be forfeited to the use of the United States, and may be seized, prosecuted, and condemned, in any court of the United States having jurisdiction thereof; and the captain, master, or commander of every ship or vessel, shall moreover forfeit, for every such negro, mulatto, or person of color, so transported, or taken on board, contrary to the provisions of this act, the sum of one thousand dollars; one moiety thereof to the United States, and the other moiety to the use of any person or persons who shall sue for and prosecute the same to effect.

SEC. 10. *And be it further enacted*, That the captain, master, or commander of every ship or vessel, of the burthen of forty tons or more, from and after the first day of January, one thousand eight hundred and eight, sailing coastwise, and having on board any negro, mulatto, or person of color, to sell or dispose of as slaves, or to be held to service or labor, and arriving in any port within the jurisdiction of the United States, from any other port within the same, shall, previous to the unlading or putting on shore any of the persons aforesaid, or suffering them to go on shore, deliver to the collector, if there be one, or, if not, to the surveyor residing at the port of her arrival, the manifest certified by the collector or surveyor of the port from whence she sailed, as is hereinbefore directed, to the truth of which, before such officer, he shall swear or affirm; and if the collector or surveyor shall be satisfied therewith, he shall thereupon grant a permit for unlading, or suffering such negro, mulatto, or person of color to be put on shore; and, if the captain, master, or commander of any such ship or vessel, being laden as aforesaid, shall neglect or refuse to deliver the manifest at the time and in the manner herein directed, or shall land or put on shore any negro, mulatto, or person of color, for the purpose aforesaid, before he shall have delivered his manifest as aforesaid, and obtained a permit for that purpose, every such captain, master, or commander shall forfeit and pay ten thousand dollars, one moiety thereof to the United States, the other moiety to the use of any person or persons who shall sue for and prosecute the same to effect.

Approved March 2, 1807.

An act in addition to "An act to prohibit the introduction (importation) of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, in the year of our Lord one thousand eight hundred and eight," and to repeal certain parts of the same. [*Laws United States, vol. 6, p. 325.*]

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That, from and after the passage of this act, it shall not be lawful to import or bring, in any manner whatsoever, into the United States, or Territories thereof, from any foreign kingdom, place, or country, any negro, mulatto, or person of color, with intent to hold, sell, or dispose of any such negro, mulatto, or person of color as a slave, or to be held to service or labor; and any ship, vessel, or other water craft employed in any importation as aforesaid, shall be liable to seizure, prosecution, and forfeiture in any district in which it may be found; one-half thereof to the use of the United States, and the other half to the use of him or them who shall prosecute the same to effect.

SEC. 2. *And be it further enacted*, That no citizen or citizens of the United States, or any other person or persons, shall, after the passing of this act, as aforesaid, for himself, themselves, or any other person or persons whatsoever, either as master, factor or owner, build, fit, equip, load, or otherwise prepare, any ship or vessel, in any port or place within the jurisdiction of the United States, nor cause any such ship or vessel to sail from any port or place whatsoever, within the jurisdiction of the same, for the purpose of procuring any negro, mulatto, or person of color from any foreign kingdom, place, or country, to be transported to any port or place whatsoever, to be held, sold, or otherwise disposed of as slaves, or to be held to service or labor; and if any ship or vessel shall be so built, fitted out, equipped, laden or otherwise prepared for the purpose aforesaid, every such ship or vessel, her tackle, apparel, furniture, and lading, shall be forfeited; one moiety to the use of the United States, and the other to the use of the

person or persons who shall sue for said forfeiture and prosecute the same to effect; and such ship or vessel shall be liable to be seized, prosecuted, and condemned in any court of the United States having competent jurisdiction.

SEC. 3. *And be it further enacted*, That every person or persons so building, fitting out, equipping, loading, or otherwise preparing, or sending away, or causing any of the acts aforesaid to be done, with intent to employ such ship or vessel in such trade or business, after the passing of this act, contrary to the true intent and meaning thereof, or who shall, in anywise, be aiding or abetting therein, shall, severally, on conviction thereof by due course of law, forfeit and pay a sum not exceeding five thousand dollars, nor less than one thousand dollars; one moiety to the use of the United States, and the other to the use of the person or persons who shall sue for such forfeiture, and prosecute the same with effect, and shall moreover be imprisoned for a term not exceeding seven years, nor less than three years.

SEC. 4. *And be it further enacted*, That if any citizen or citizens of the United States, or other person or persons resident within the jurisdiction of the same, shall, from and after the passing of this act, take on board, receive, or transport from any of the coasts or kingdoms of Africa, or from any other foreign kingdom, place, or country, or from sea, any negro, mulatto, or person of color, not being an inhabitant, nor held to service by the laws of either of the States or Territories of the United States, in any ship, vessel, boat, or other water craft, for the purpose of holding, selling, or otherwise disposing of, such person as a slave, or to be held to service or labor, or be aiding or abetting therein, every such person or persons so offending shall, on conviction by due course of law, severally forfeit and pay a sum not exceeding five thousand nor less than one thousand dollars, one moiety to the use of the United States, and the other to the use of the person or persons who shall sue for such forfeiture and prosecute the same to effect, and, moreover, shall suffer imprisonment for a term not exceeding seven years, nor less than three years; and every ship or vessel, boat, or other water craft on which such negro, mulatto, or person of color shall have been taken on board, received, or transported as aforesaid, her tackle, apparel, and furniture, and the goods and effects which shall be found on board the same, or shall have been imported therein in the same voyage, shall be forfeited, one moiety to the use of the United States, and the other to the use of the person or persons who shall sue for and prosecute the same to effect; and every such ship or vessel shall be liable to be seized, prosecuted, and condemned in any court of the United States having competent jurisdiction.

SEC. 5. *And be it further enacted*, That neither the importer nor importers, nor any person or persons claiming from or under him or them, shall hold any right, interest, or title whatsoever, in or to any negro, mulatto, or person of color, nor to the service or labor thereof, who may be imported or brought into the United States or the Territories thereof, in violation of the provisions of this act, but the same shall remain subject to any regulations, not contravening said provisions, which the legislatures of the several States or Territories may at any time heretofore have made, or hereafter may make, for disposing of any such negro, mulatto, or person of color.

SEC. 6. *And be it further enacted*, That if any person or persons whatsoever shall, from and after the passing of this act, bring within the jurisdiction of the United States, in any manner whatsoever, any negro, mulatto, or person of color from any foreign kingdom, place, or country, or from sea, or shall hold, sell, or otherwise dispose of, any such negro, mulatto, or person of color, so brought in, as a slave, or to be held to service or labor, or be in anywise aiding or abetting therein, every person so offending shall, on conviction thereof by due course of law, forfeit and pay, for every such offence, a sum not exceeding ten thousand nor less than one thousand dollars, one moiety to the use of the United States, and the other to the use of the person or persons who shall sue for such forfeiture, and prosecute the same to effect; and, moreover, shall suffer imprisonment, for a term not exceeding seven years, nor less than three years.

SEC. 7. *And be it further enacted*, That if any person or persons whatsoever shall hold, purchase, sell, or otherwise dispose of, any negro, mulatto, or person of color, for a slave, or to be held to service or labor, who shall have been imported or brought, in any way, from any foreign kingdom, place, or country, or from the dominions of any foreign State immediately adjoining to the United States, into any port or place within the jurisdiction of the United States, from and after the passing of this act, every person so offending, and every person aiding or abetting therein, shall severally forfeit and pay, for every negro, mulatto, or person of color, so held, purchased, sold, or disposed of, one thousand dollars; one moiety to the use of the United States, and the other to the use of the person or persons who may sue for such forfeiture, and prosecute the same to effect, and to stand committed until the said forfeiture be paid: *Provided*, That the aforesaid forfeiture shall not extend to the seller or purchaser of any negro, mulatto, or person of color, who may be sold or disposed of in virtue of any regulations which have been heretofore, or shall hereafter be, lawfully made by any legislature of any State or Territory, in pursuance of this act and the Constitution of the United States.

SEC. 8. *And be it further enacted*, That in all prosecutions under this act, the defendant or defendants shall be holden to prove that the negro, mulatto, or person of color, which he or they shall be charged with having brought into the United States, or with purchasing, holding, selling, or otherwise disposing of, and which, according to the evidence in such case, the said defendant or defendants shall have brought in aforesaid, or otherwise disposed of, was brought into the United States at least five years previous to the commencement of such prosecution, or was not brought in, holden, purchased, or otherwise disposed of, contrary to the provisions of this act; and on failure thereof, the said defendant or defendants shall be judged guilty of the offence of which he or they may stand accused.

SEC. 9. *And be it further enacted*, That any prosecution, information, or action, may be sustained, for any offence under this act, at any time within five years after such offence shall have been committed; any law to the contrary notwithstanding.

SEC. 10. *And be it further enacted*, That the first six sections of the act to which this is an addition, shall be and the same are hereby repealed: *Provided*, That all offences committed under the said sections of the act aforesaid, before the passing of this act, shall be prosecuted and punished, and any forfeitures which have been incurred under the same shall be recovered and distributed as if this act had not been passed.

Approved April 20, 1818.

An act in addition to the acts prohibiting the slave trade. [*Laws U. S., vol. 6, p. 435.*]

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the President of the United States be, and he is hereby, authorized, whenever he shall deem it expedient, to cause any of the armed vessels of the United States to be employed to cruise on any of the coasts of the United States, or Territories thereof, or of the coast of Africa, or elsewhere, where he may judge attempts may be made to carry on the slave trade by citizens or residents of the United States, in contravention of the acts of Congress prohibiting the same, and to instruct and direct the commanders of all armed vessels of the United States, to seize, take, and bring into any port of the United States, all ships or vessels of the United States, wheresoever found, which may have taken on board, or which may be intended for the purpose of taking on board, or of transporting, or may have transported, any negro, mulatto, or person of color, in violation of any of the provisions of the act, entitled "An act in addition to an act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, in the year of our Lord one thousand eight hundred and eight, and to repeal certain parts of the same," or of any other act or acts prohibiting the traffic in slaves, to be proceeded against according to law: and the proceeds of all ships and vessels, their tackle, apparel, and furniture, and the goods and effects on board of them, which shall be so seized, prosecuted, and condemned, shall be divided equally between the United States and the officers and men who shall seize, take or bring, the same into port for condemnation, whether such seizure be made by an armed vessel of the United States or revenue cutter thereof: and the same shall be distributed in like manner as is provided by law for the distribution of prizes taken from an enemy: *Provided,* That the officers and men, to be entitled to one-half of the proceeds aforesaid, shall safe keep every negro, mulatto, or person of color, found on board of any ship or vessel so seized, taken, or brought into port for condemnation, and shall deliver every such negro, mulatto, or person of color, to the marshal of the district into which they are brought, if into a port of the United States, or, if elsewhere, to such person or persons as shall be lawfully appointed by the President of the United States, in the manner hereinafter directed, transmitting to the President of the United States, as soon as may be after delivery, a descriptive list of such negroes, mulattoes, or persons of color, that he may give directions for the disposal of them. *And provided further,* That the commanders of such commissioned vessels, do cause to be apprehended, and taken into custody, every person found on board of such vessel, so seized and taken, being of the officers or crew thereof, and him or them convey, as soon as conveniently may be, to the civil authority of the United States, to be proceeded against, in due course of law, in some of the districts thereof.

SEC. 2. *And be it further enacted,* That the President of the United States be, and he is hereby authorized, to make such regulations and arrangements, as he may deem expedient, for the safe keeping, support, and removal beyond the limits of the United States, of all such negroes, mulattoes, or persons of color, as may be so delivered and brought within their jurisdiction: and to appoint a proper person or persons, residing upon the coast of Africa, as agent or agents for receiving the negroes, mulattoes, or persons of color, delivered from on board vessels, seized in the prosecution of the slave trade, by commanders of the United States armed vessels.

SEC. 3. *And be it further enacted,* That a bounty of twenty-five dollars be paid to the officers and crews of the commissioned vessels of the United States, or revenue cutters, for each and every negro, mulatto, or person of color, who shall have been, as hereinbefore provided, delivered to the marshal or agent duly appointed to receive them; and the Secretary of the Treasury is hereby authorized and required to pay, or cause to be paid, to such officers and crews, or their agent, the aforesaid bounty, for each person delivered as aforesaid.

SEC. 4. *And be it further enacted,* That when any citizen, or other person, shall lodge information, with the attorney for the district of any State or Territory, as the case may be, that any negro, mulatto, or person of color, has been imported therein, contrary to the provisions of the acts in such case made and provided, it shall be the duty of the said attorney forthwith to commence a prosecution by information; and process shall issue against the person charged with holding such negro, negroes, mulatto, mulattoes, person or persons of color, so alleged to be imported contrary to the provisions of the acts aforesaid: And if, upon the return of the process executed, it shall be ascertained, by the verdict of a jury, that such negro, negroes, mulatto, mulattoes, person or persons of color, have been brought in, contrary to the true intent and meaning of the acts in such cases made and provided, then the court shall direct the marshal of the said district to take the said negroes, mulattoes, or persons of color, into his custody, for safe keeping, subject to the orders of the President of the United States: and the informer or informers, who shall have lodged the information, shall be entitled to receive, over and above the portion of the penalties accruing to him or them by the provisions of the acts in such case made and provided, a bounty of fifty dollars, for each and every negro, mulatto, or person of color, who shall have been delivered into the custody of the marshal; and the Secretary of the Treasury is hereby authorized and required to pay, or cause to be paid, the aforesaid bounty, upon the certificate of the clerk of the court for the district where the prosecution may have been had, with the seal of office thereto annexed, stating the number of negroes, mulattoes, or persons of color, so delivered.

SEC. 5. *And be it further enacted,* That it shall be the duty of the commander of any armed vessel of the United States, whenever he shall make any capture under the provisions of this act, to bring the vessel and her cargo, for adjudication, into some of the ports of the State or Territory to which such vessel, so captured, shall belong, if he can ascertain the same; if not, then to be sent into any convenient port of the United States.

SEC. 6. *And be it further enacted,* That all such acts, or parts of acts, as may be repugnant to the provisions of this act, shall be, and the same are hereby repealed.

SEC. 7. *And be it further enacted,* That a sum not exceeding one hundred thousand dollars be, and the same is hereby, appropriated to carry this law into effect.

Approved March 3, 1819.

An act to continue in force "An act to protect the commerce of the United States and punish the crime of piracy," and also to make further provision for punishing the crime of piracy. [*Laws United States, vol. 6, p. 529.*]

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the first, second, third, and fourth, sections of an act, entitled "An act to protect the commerce of the United States and punish the crime of piracy," passed on the third day of March, one thousand eight hundred and nineteen, be, and the same are hereby, continued in force, from the passing of this act for the term of two years, and from thence to the end of the next session of Congress, and no longer.

SEC. 2. *And be it further enacted,* That the fifth section of the said act be, and the same is hereby, continued in force, as to all crimes made punishable by the same, and heretofore committed, in all respects, as fully as if the duration of the said section had been without limitation.

SEC. 3. *And be it further enacted,* That if any person shall, upon the high seas, or in any open roadstead, or in any haven, basin, or bay, or in any river where the sea ebbs and flows, commit the crime of robbery, in or upon any ship or vessel, or upon any of the ship's company, of any ship or vessel, or the lading thereof, such person shall be adjudged to be a pirate; and, being thereof convicted, before the circuit court of the United States for the district into which he shall be brought, or in which he shall be found, shall suffer death. And if any person engaged in any piratical cruise or enterprise, or being of the crew or ship's company of any piratical ship or vessel, shall land from such ship or vessel, and, on shore, shall commit robbery, such person shall be adjudged a pirate; and, on conviction thereof, before the circuit court of the United States for the district into which he shall be brought, or in which he shall be found, shall suffer death: *Provided,* That nothing in this section contained shall be construed to deprive any particular State of its jurisdiction over such offences, when committed within the body of a county, or authorize the courts of the United States to try any such offenders, after conviction or acquittance, for the same offence, in a State court.

SEC. 4. *And be it further enacted,* That if any citizen of the United States, being of the crew or ship's company of any foreign ship or vessel engaged in the slave trade, or any person whatever, being of the crew or ship's company of any ship or vessel, owned in the whole or part, or navigated for, or in behalf of, any citizen or citizens of the United States, shall land, from any such ship or vessel, and, on any foreign shore, seize any negro or mulatto, not held to service or labor by the laws of either of the States or Territories of the United States, with intent to make such negro or mulatto a slave, or shall decoy, or forcibly bring or carry, or shall receive, such negro or mulatto on board any such ship or vessel, with intent as aforesaid, such citizen or person shall be adjudged a pirate: and, on conviction thereof, before the circuit court of the United States for the district wherein he may be brought or found, shall suffer death.

SEC. 5. *And be it further enacted,* That if any citizen of the United States, being of the crew or ship's company of any foreign ship or vessel engaged in the slave trade, or any person whatever, being of the crew or ship's company of any ship or vessel, owned wholly or in part, or navigated for, or in behalf of, any citizen or citizens of the United States, shall forcibly confine or detain, or aid and abet in forcibly confining or detaining, or board such ship or vessel, any negro or mulatto not held to service by the laws of either of the States or Territories of the United States, with intent to make such negro or mulatto a slave, or shall, on board any such ship or vessel, offer or attempt to sell, as a slave, any negro or mulatto not held to service as aforesaid, or shall, on the high seas, or anywhere on tide water, transfer or deliver over, to any other ship or vessel, any negro or mulatto, not held to service as aforesaid, with intent to make such negro or mulatto a slave, or shall land, or deliver or shore, from on board any such ship or vessel, any such negro or mulatto, with intent to make sale of, or having previously sold such negro or mulatto, as a slave, such citizen or person shall be adjudged a pirate; and, on conviction thereof, before the circuit court of the United States for the district wherein he shall be brought or found, shall suffer death.

Approved May 15, 1820.

Copy of general instructions, for officers commanding cruising vessels.

NAVY DEPARTMENT.

SIR: Enclosed you have a copy of an act of Congress, by which you will perceive that a high and delicate power is vested in the President, in authorizing him to employ our public armed ships in protecting the merchant vessels of the United States and their crews, from piratical aggressions and depredations. It will readily occur to you, that, considering the situation in which we stand in relation to Spain and the South American colonies, the authority given under this act, must be exercised with the utmost caution and prudence by our public vessels. You have the whole act laid before you, that you may see its general scope and object; but you will observe that the execution of the law is under the direction of the President, so far as respects the employment of our public vessels. Your conduct will therefore be regulated by your instructions, although they may not go to the full length the law might possibly warrant.

Under the second section of the act, authority is given to subdue, seize, take, and send into any port of the United States, any armed vessel or boat, or any vessel or boat, the crew whereof shall be armed, and which shall have *attempted or committed* any piratical aggression, search, restraint, depredation, or seizure, upon any vessel of the United States, or of the citizens thereof, *or upon any other vessels.*

From the generality of this latter description of vessels, it would seem to embrace those of every nation or country upon which any piratical aggressions may have been committed. Admitting the act might be extended thus far, it does not appear to have been the general object of the law; and it is thought by the President most advisable, at present, not to give it a like indiscriminate practical construction as to all vessels. The great object, as pointed out in the first section of the act, was to protect the merchant vessels of the United States and their crews from piratical aggressions. This will, therefore, be considered your particular and special duty. If, however, you shall discover depredations upon

other vessels, committed under such gross and aggravated circumstances, as to leave little doubt of their piratical character, it will be your duty to capture and bring in the aggressors. It is thought most advisable thus to distinguish in your instructions, because, among other considerations, it will be seen, that, under the second section of the act, you are only authorized to *retake vessels of the United States or its citizens*, which may have been unlawfully captured upon the high seas. No authority is given to *retake* the vessels of any foreign nation or country.

You will also perceive, under this second section of the act, authority is only given to subdue, seize and take such vessels or boats, &c., as shall have *attempted* or *committed* some piratical aggression. Whatever well grounded suspicions you may entertain, that a vessel may have been fitted out, and is intended to be employed in such depredations, you will not molest her, unless you have satisfactory evidence that she has either *attempted* or *actually committed* some piratical aggression on some merchant vessel of the United States, or her crew, or upon some other vessel, under the special circumstances above mentioned. This is to be considered an important and leading regulation in your conduct, as it will be a strong and almost controlling circumstance (considering we are at peace with all the world), in making up your judgment, whether you are safe and justifiable in treating them as pirates. Whenever, therefore, you shall find any boats or vessels the crews whereof have committed any actual violence, outrage or depredation, upon any vessels of the United States, or the citizens thereof, or any other vessels, as above mentioned, you will consider yourself authorized to subdue, seize and take them; and, unless on such capture you shall be satisfied that they were acting under some lawful authority, and not piratically, to send them in for adjudication.

The range of your cruise will be along the coast of the United States and the Floridas, in the Gulf of Mexico and among the West India islands; changing your position in such manner as shall best answer the object of your cruise, touching at such ports and places as may be necessary and proper to procure supplies, and to obtain information, the better to enable you to carry into effect the objects contemplated in the act of Congress. Great reliance is placed on your prudence and sound discretion, that you will so execute the power entrusted to you as to protect the commerce of the United States, without infringing the lawful rights of any other nation or country, their citizens or subjects. All captures made by you, will be sent into one of the following ports: Boston, New York, Norfolk, Charleston, Savannah, or New Orleans.

You have, also, enclosed, such parts of several acts of Congress prohibiting the importation of slaves into any ports or places within the jurisdiction of the United States, as are necessary to point out to you your duty and authority under these laws; and it is expected and required of you, by the President, that a strict and vigilant attention be paid to the direction therein contained; that, if possible, this inhuman and disgraceful traffic may be suppressed.

By the act of the 20th April, 1818, you will perceive that it is made unlawful to import or bring, in any manner whatsoever, into the United States or Territories thereof, from any foreign kingdom, place or country, any negro, mulatto, or person of color, with intent to hold, sell or dispose of such person as a slave, or to be held to service. By this act it is also made unlawful for any citizen of the United States, or other person, to build, equip, load, fit, or otherwise prepare, any ship or vessel in any port or place within the jurisdiction of the United States, or to cause any such ship or vessel to sail from any port or place whatsoever, within the jurisdiction of the United States, for the purpose of procuring and transporting any such slaves to any port or place whatever. And any ship or vessel employed in such importation of slaves, or so built, fitted out, or prepared, is liable to be seized and forfeited.

And by the act of the 3d March, 1819, the President is authorized to employ any of the armed vessels of the United States to cruise in such places as he may think proper, where he may judge attempts may be made to carry on the slave trade, by citizens of the United States, or residents thereof, in contravention of the acts of Congress prohibiting the same; and to instruct such armed vessels to seize, take, and bring into any port of the United States, to be proceeded against according to law, all ships or vessels of the United States, wheresoever found, which may have taken on board, or which may be intended for the purpose of taking on board, or of transporting, or may have transported, any negro, mulatto, or person of color, in violation of any of the provisions of the act of the 20th April, 1818, above referred to, or in violation of any other act or acts prohibiting the traffic in slaves.

You will perceive from the generality of the provisions in these laws, you are authorized to take and bring in all ships or vessels of the United States, which may have been in any manner employed, or intended to be employed in the slave trade; or any other vessel offending against the provisions of any of the laws you have enclosed. You will particularly notice, the two provisos to the first section of the act of 1819, the first of which directs in what manner you are to keep and dispose of the slaves which may be found on board of any ship or vessel seized by you. If brought within the United States, they are to be delivered to the marshal of the district where brought in; and transmit the evidence of such delivery to this Department. It is the wish of the President, however, that none should be brought into the United States. Upon the capture, therefore, of any vessel having slaves on board, you will immediately proceed to the Island of Sherbro, on the coast of Africa, and deliver such slaves to the agent appointed by the President to receive them, pursuant to the provisions of the act, or to any other agent, so appointed, at any other place on the coast of Africa. The second proviso relates to the disposition of the officers and crews of such vessels so captured by you. Great vigilance will be expected from you in the safe keeping of all such officers and crews, until they shall be handed over to the civil authority to be proceeded against according to law.

You will also observe, that by the fifth section of this act, it is made your duty to bring any vessel and her cargo, you may capture, into some of the ports of the State or Territory to which the captured vessel shall belong, if you can ascertain the same; if not, then into any convenient port of the United States.

The range of your cruising for this purpose, will be the same as that pointed out in the former part of your instructions, in relation to pirates.

I am, very respectfully, your most obedient servant.

NAVY DEPARTMENT, *February* 4, 1823.

SIR: Since you left here, it has been strongly urged to keep part of our naval force to windward, to watch the Spanish privateers, and particularly about Porto Rico, and thence to Laguira and Porto Cabello. I wish you to distribute a part of your force in that quarter.

I am, respectfully, &c.,
(Signed) SMITH THOMPSON.

Com. DAVID PORTER, *commanding U. S. Squadron, Norfolk, Va.*

I certify that the above is a true copy from the original.

CHAS. HAY, *Chief Clerk.*

NAVY DEPARTMENT, *May* 11, 1825.

NAVY DEPARTMENT, *April* 5, 1823.

SIR: I enclose, for your information, two copies of a printed statement, in relation to a piracy, committed in December last, on the brig Two Brothers, of Newburyport, Anthony Knapp, jr., master.

I am, respectfully, &c.,
(Signed) SMITH THOMPSON.

Com. DAVID PORTER, *commanding U. S. Naval Force, West Indies.*

I certify that the above is a true copy from the original.

CHAS. HAY, *Chief Clerk.*

NAVY DEPARTMENT, *May* 11, 1825.

NAVY DEPARTMENT, *May* 23, 1823,

SIR: I have the honor to acknowledge the receipt of your letter, bearing date Matanzas, 16th April, last; communicating the partial accomplishment of your arrangements for accommodation at Thompson's Island—the distribution of the force under your command—the gallant conduct of Lieutenant Stribling, in the capture of the pirate "Pilot," with a detachment from your squadron, without loss on his side, and your regret at the necessity which has compelled you, from the insufficiency of your number of men, to lay up the Peacock; thereby preventing you from giving to your plan of operations, the extension and activity at first contemplated. Great satisfaction is felt at the prevalence of such general health in your squadron; and hopes are entertained, that by its continuance, the important object you have in view will be more speedily and effectually obtained, and unattended likewise by any of those unfortunate concomitants incident to a climate peculiarly obnoxious, and a service somewhat oppressive.

Some relief, however, will be afforded to you, when the performance of the particular duties, assigned to the commanders of the John Adams and Enterprise, shall enable them to form a junction with your force, and place themselves, (as expressly instructed,) under your command. Instructions have been given to the commanders of those vessels to use all possible dispatch in the execution of their provieus orders, and report themselves to you for such service as may be assigned them, in aid of your general operations. By reference to their sailing orders, and general instructions, which they will present to you for examination, you will be more particularly informed of the extent of your authority over them, and can consequently assign to them that sphere of operation, which you may think best adapted to the promotion of the objects you have in view. The Spark is rapidly refitting, to be dispatched, when ready, to reinforce your squadron, and act under your command.

Whenever it is practicable to procure supplies for the squadron from this country—you will do so; as they can be furnished on terms more economical, and of a quality very superior. I enclose copy of a letter, addressed to Captain Patterson, in relation to his detention and employment of the schooner Grampus, which will give you my views upon the subject.

With great respect, &c.,
(Signed) SMITH THOMPSON.

Captain DAVID PORTER, *commanding U. S. Naval Force, W. I. Station, Thompson's Island.*

I certify that the above is a true copy from the original. CHAS. HAY.

NAVY DEPARTMENT, *May* 11, 1825.

NAVY DEPARTMENT, *June* 7, 1823.

SIR: I have the honor to acknowledge the receipt of your leter of the 10th ultimo, in which you complain of the absence of those vessels of war of the United States, which you had supposed were to form a part of your squadron, and afford you assistance in the duties assigned you.

The supposition was correct; but it is scarcely possible to assign causes which will afford you any light upon this subject, except as they may relate to those vessels which have returned to the United States, and are now rapidly refitting to be sent out to your command.

The orders under which some of the commanders acted, being anterior in date to your appointment to the entire command, allowed a greater latitude of discretion than will be observed when they shall have united their respective commands with yours; and in the exercise of this power may probably be found the reasons of their absence. Your own examination of their orders, when you meet, will confirm or reject the above suggestion.

The vessels intended to be placed immediately and ultimately under your command, are comprised in the annexed list marked A, in which those designated by the letter B, in red, are the vessels now and lately in the United States, refitting for the West India service, where they will proceed, as soon as they shall have performed some indispensable, but temporary duties, which have been assigned them.

I also annex a list marked C, which gives the names of those lieutenants and midshipmen who have been ordered to report to you for duty, and to whom you will assign such parts thereof as, in your judgment, will best promote the interests of the service and the object to be attained.

Your force, when once united, will be amply sufficient for the accomplishment of your views, as well as the better accommodation of yourself and those under your command; and you will, no doubt, give it such distribution and arrangement as will unite these objects.

The vessels ordered to join you, (which are enumerated in paper A,) will enable you, in pursuing your first plan, to afford more adequate convoy to merchantmen, while the ability for examining and searching the coasts and inlets, for the lurking places of pirates, by means of the schooners and barges, will be greatly increased.

Every assistance which the Department can afford, consistently with its other relations, shall be cheerfully and promptly extended; and while a just expectation is indulged that, from the extent and character of the means afforded, the object contemplated will be speedily and satisfactorily realized, no doubt is entertained of the zeal and ability that will be exerted on the part of those entrusted with the performance.

Too much attention cannot be placed upon the cleanliness of the men, and the good condition of the vessels; for, to causes incident to every naval service in the generation of disease and mortality, are superadded the baneful influence of a tropical climate upon constitutions unaccustomed to its operations, and unprepared for its effects.

I refer you particularly to my letter of the 23d ult. for instructions in relation to the purchase of supplies, and the negotiation of drafts upon the Department.

I am, with great respect, sir, your obedient servant,

SMITH THOMPSON.

Capt. DAVID PORTER, *commanding U. S. West India Squadron, Thompson's Island.*

NAVY DEPARTMENT, *May* 12, 1825.

I certify the foregoing to be a true copy from the records of the Department.

CHAS. HAY, *Chief Clerk.*

NAVY DEPARTMENT, *August* 19, 1823.

SIR: In the last paragraph of your letter, dated the 1st instant, transmitted by the U. S. schooner Ferret, you mention that circumstances will, towards the fall, render your return to the United States, for a short period, necessary; you will please to avail yourself of the time most suited for this purpose, and return to the United States in the manner most convenient to yourself, and least prejudicial to the interests of the service.

I am, very respectfully, sir, your most obedient servant,

(Signed) SMITH THOMPSON.

Commodore DAVID PORTER, *commanding U. S. Naval Forces, West Indies, &c.*

I certify that the above is a true copy from the original on record in the Navy Department.

CHAS. HAY, *Chief Clerk.*

MAY 11, 1825.

NAVY DEPARTMENT, *August* 19, 1823.

SIR: Your letter of the 1st instant, relative to the transportation of specie, from Vera Cruz to Cadiz, has been submitted to the President; and it would afford both him and myself great pleasure to comply with your request, could it be done consistently with the honor of the American flag, and the relation in which we stand to the belligerents.

Your letter is not explicit, as to whom the money belongs. I take it for granted, however, it is Spanish property, and from the amount, most likely belonging to the Spanish government. In either case, it is deemed inadmissible to employ our public armed vessels for its transportation; under no circumstances could it be permitted to send a vessel direct from Vera Cruz to Cadiz. Should I be under a misapprehension as to the ownership of the property, and, upon further explanation, your request can with propriety be complied with, I can assure you it will give me great satisfaction to promote your interest in this respect.

I am, very respectfully, &c.,

(Signed) SMITH THOMPSON.

Commodore DAVID PORTER, *commanding U. S. Naval Forces, West Indies, &c.*

NAVY DEPARTMENT, *May* 10, 1825.

I certify that the above is a correct copy from the records of this Department.

CHAS. HAY, *Chief Clerk.*

NAVY DEPARTMENT, *September* 27, 1823.

SIR: The United States schooner Weasel, under the command of Lieutenant John P. Zantzinger, will sail this day for Thompson's Island, and take the route pointed out in your orders to Lieutenant Kennon of the 14th August last. It was not possible to prepare her to sail at an earlier day. The Beagle will be ready in three or four days.

The schooner Shark, having on board Commodore Rodgers, and several surgeons, will leave New York about the 1st October, and reach Thompson's Island as soon as practicable. The uncertainty and anxiety which prevail as to your own health, and the health of the squadron, and a desire to furnish the best assistance and procure information which may be a safe guide on all future occasions, are the inducements to this measure. The orders of Commodore Rodgers will be communicated to you on his arrival, and you will render all the aid, which your health will permit, in accomplishing the object of his visit. It is intended that you shall remain in command of the station, or return home, as your health may require and inclination prompt. Commodore Rodgers will return immediately after he shall have accomplished the object of his visit.

It is wished that Midshipman Hoban should return in the first vessel from Thompson's Island to this place, some of his family being at this time very sick.

I am, very respectfully, &c.,
(Signed) SAM'L L. SOUTHARD.

I certify that the above is a true copy of the original on file in the Navy Department.
CHAS. HAY, *Chief Clerk.*

MAY 11, 1825.

The Secretary of the Navy to Commodore Porter.

NAVY DEPARTMENT, *September* 29, 1823.

MY DEAR SIR: This letter will be handed to you by Commodore Rodgers. The object of his visit to Thompson's Island will be fully communicated to you by him. The various, and in many points contradictory, reports, respecting the condition of the station, the uncertainty whether you still live, the deepest anxiety for your safety, the desire to furnish speedy relief, and acquire full information respecting the health of the station, and its fitness as a rendezvous during the sickly season, and the fear that, debilitated as you are, you could not secure that information for us, have prompted the wish that Commodore Rodgers should undertake the expedition, and have induced him, cheerfully and voluntarily, to enter on its performance.

He will find united in it the sacred offices of private friendship and public duty. A report that your health is restored will give to me, individually, and to the nation at large, most sincere gratification.

I am, very respectfully, dear sir, your most obedient servant,
SAMUEL L. SOUTHARD.

Com. DAVID PORTER, *commanding U. S. Naval Forces, West Indies and Gulf of Mexico.*

NAVY DEPARTMENT, *October* 28, 1823.

SIR: Your letter of the 27th inst. has been received. On your recovery from a dangerous illness, produced by great exposure and much suffering, you will be pleased, sir, to accept my sincere congratulations.

In conducting the movements of the squadron entrusted to your charge, you have displayed that intelligence, promptitude, and vigor, which effectually arresting the depredations of the freebooters, have afforded security to our trade, and justly entitle you to the unqualified approbation of this Department, and to the thanks of your country.

The conduct of the officers and men under your command, has been such as might have been expected, from the example of their chief; and you will be pleased, sir, to assure them of the consideration in which their services are held, and the high sense entertained of their devotion to a most arduous and dangerous service.

The want of medical aid, of which you so justly complain, will claim the early and special attention of this Department.

If the state of your health will permit, you will take upon yourself the general superintending direction of the equipment of the vessels of your squadron, now at this yard and at Norfolk. Let their commanders report to you their wants, that you may make them known to the Board of Navy Commissioners, who will cause every requisite supply to be furnished.

I am, very respectfully, sir, your most obedient servant,
I. CHAUNCEY, *for the Secretary of the Navy.*

DAVID PORTER, Esq., *commanding a Squadron in the West Indies and Gulf of Mexico.*

Extract of a letter from the Secretary of the Navy to Commodore Porter.

NAVY DEPARTMENT, *December* 2, 1823.

SIR: You will, as speedily as possible, with all the vessels under your command, resume your station at Thompson's Island, and continue your exertions to repress piracy, and protect our commerce.

It is the intention of the Department to increase the force under your command, as soon as it can be

effected. To this end, the frigate Congress will, after her arrival in the United States, be ordered to join you, and in the course of the spring one or more sloops of war will be added to those already with you. The officers engaged in the survey of the coast of Florida will report to you, and you will communicate their proceedings to this Department.

You will keep as constantly as you can, one of your vessels in the neighborhood of Vera Cruz, cruising between that port and Punto Lazardo, to protect our commerce in that quarter. As soon as possible send the Hornet, or one of the large schooners, to cruise on the coast of Africa, touching at Cape Messurado, ministering to the wants of the African agency, and thence returning in the usual track of the slave ships.

Let the cruise of the vessel be such as will comport, as far as possible, with the health and comfort of the officers and men. Upon its return, you will report the proceedings to this Department, and send another vessel upon the same service.

Our national vessels ought not, and must not, be used for purposes of commercial adventure. You may receive on board specie, and the articles permitted by the act "for the better government of the navy," belonging exclusively to our own citizens, and carry them from one port or place to another, when it does not, in any degree, interfere with your other duties, or violate the laws of the country where you are. You may also bring to the United States specie belonging to our own citizens; but you are, in no case, to permit anything in the shape or character of public advertisements to be used for the purpose of giving information that you will carry them. So many complaints have been publicly made on this subject, that you will carefully abstain from everything which can give rise to unfriendly comments; and that the government may know the extent to which the commercial interests of our citizens are benefited by the assistance afforded by our public vessels on this point, and be prepared to answer any complaints on the subject which may be made by individuals or governments, you will, from time to time, make reports to this Department of all the specie and other articles you may carry, the places to and from which you carry them, and the circumstances, terms and conditions under which you do it.

I certify that the above is a true extract from the records of the Navy Department.

CHAS. HAY, *Chief Clerk.*

MAY 11, 1825.

NAVY DEPARTMENT, *December* 27, 1823.

SIR: In reply to your letter of the 29th ultimo, I inform you that it is not believed the Executive has the power to make any rule for the distribution of the premium received for the transportation of specie.

The public vessels will be in the neighborhood of Vera Cruz, &c., and will be permitted to receive on board and carry specie, under the general orders heretofore given.

I am, very respectfully, &c.,

(Signed) SAM'L L. SOUTHARD.

Captain DAVID PORTER, *commanding U. S. Naval Forces, &c.*

NAVY DEPARTMENT, *May* 10, 1825.

I certify that the above is a correct copy from the records of this Department.

CHAS. HAY, *Chief Clerk.*

Extract of a letter from the Secretary of the Navy to Commodore David Porter, dated—

NAVY DEPARTMENT, *December* 31, 1823.

I have heretofore sent you some accounts of piracies lately committed, and I herewith enclose two more, and request your particular attention to the letter signed by Mr. Lawrence, and the course pointed out as a mode of effecting the object.

Extract of a letter from the Secretary of the Navy to Commodore Porter, dated—

DECEMBER 31, 1823.

I have received several communications from you, by the mail of this morning, and shall attend to them as early as possible.

I have ordered Captain Biddle, (the orders sent herewith,) to report to you for duty, and you will dispatch him in the Congress, to the Floridas, on the Thompson's Island station, with such orders as you may consider necessary to execute the views of the Department contained in the instructions heretofore given you. You will send with him all the vessels under your command, which are ready, and will permit no delay which is not indispensable.

I have heretofore sent you some accounts of piracies lately committed, and I herewith enclose two more, and request your particular attention to the letter signed by Mr. Lawrence, and the course pointed out as a mode of effecting the object.

I certify that the above is a true extract of the original on record in the Navy Department.

CHAS. HAY, *Chief Clerk.*

MAY 11, 1825.

NAVY DEPARTMENT, *January* 19, 1824.

SIR: I transmit to you a copy of a paper, having relation to the transportation of specie from Mexico, in vessels attached to the squadron, under your command, and in violation of the municipal regulations of that country.

I am, very respectfully, sir, your obedient servant,
(Signed) SAM'L L. SOUTHARD.

Commodore DAVID PORTER, *commanding U. S. West India Squadron, Norfolk, Va.*

I certify that the above is a true copy from the original on record in the Navy Department.
CHAS. HAY, *Chief Clerk.*

MAY 11, 1825.

NAVY DEPARTMENT, *January* 21, 1824.

SIR: In reply to your letter of the 14th inst., I have to observe, that it is my wish that the operations on the coast of Africa should commence as early as practicable, if one of the vessels under your command can be possibly spared for the purpose.

I am, very respectfully, sir, your most obedient servant,
(Signed) SAM'L L. SOUTHARD.

Commodore DAVID PORTER, *commanding U. S. West India Squadron, Norfolk, Va.*

I certify that the above is a true copy from the original on record in the Navy Department.
CHAS. HAY, *Chief Clerk.*

MAY 11, 1825.

NAVY DEPARTMENT, *February* 19, 1824.

SIR: It is to be regretted that so long a delay in your sailing, creating so much personal inconvenience to yourself, has been necessary.

In consequence of certain matters of public importance, I may be obliged to detain you a very few days longer than the court-martial may require your attendance. I wish you, however, immediately to inform me, at what time you suppose you will be relieved from your attendance on the court.

I am, respectfully, &c.,
(Signed) SAM'L L. SOUTHARD.

Com. DAVID PORTER, *commanding U. S. Squadron, W. I., &c., Norfolk.*

Extract of a letter from the Secretary of the Navy to Commodore Porter, dated—

MAY 17, 1824.

Congress has not, until within a few days, passed an appropriation law for the current year. This will account to you for one or two of the drafts of Purser Thornton not having been honored, and for the delay in preparing the vessels to join you. It was impossible, without funds, to fit out the Hornet or the Porpoise, and to prepare a larger vessel.

There will be now as much activity as possible, but it is feared one cannot be prepared in time to reach you before the sickly season commences. It shall, however, be done, if possible.

I certify that the above is a true extract of the original on record in the Navy Department.
CHA'S HAY, *Chief Clerk.*

MAY 11, 1825.

NAVY DEPARTMENT, *May* 24, 1824.

SIR: Your letter of the 3d instant has been received, advising that a bill of exchange, drawn by Purser Thornton upon this Department for $5,000, had been returned protested; this circumstance is to be regretted, both as it respects the injury done to the credit of Navy bills, and the damages incurred in the present instance. The refusal to pay this draft when offered, was occasioned entirely by the want of funds, in the passage of the annual appropriation bill by Congress; and an occurrence of the kind, I trust, will not again take place.

I am, very respectfully, your most obedient servant,
(Signed) SAM'L L. SOUTHARD.

Com. DAVID PORTER, *commanding U. S. Naval Forces, West Indies, Gulf of Mexico, &c.*

I certify that the above is a true copy from the original on record in the Navy Department.
CHA'S HAY, *Chief Clerk.*

MAY 11, 1825

NAVY DEPARTMENT, *May* 31, 1824.

SIR: Your letter of the 4th of May has been received. The Decoy will be prepared to return to you as speedily as possible. No provision has been made for the repairs of the Grayhound; and it is probable that she will be laid up or sold.

When any vessels are ordered home for repairs, they must be reported to the Department, that orders may be issued for the purpose.

The amount of force, at this time, on the station, is less than was intended; but the delay in passing the appropriation law has rendered it impossible to send you either the Hornet or Porpoise. They will be both dispatched now, as soon as they can be prepared. This delay is the more to be regretted, as the Hornet must either encounter the rainy season, or not go to the coast of Africa, as was originally designed.

You have now under your command, the John Adams, Hornet, Spark, Porpoise, Shark, Sea Gull, Decoy, and seven small schooners, in all fourteen vessels, exclusive of the barges. I did intend to send a larger vessel than any of them, but the amount of the appropriation, and the time it was made, will probably put it out of my power. It shall still, however, be done, if it can be accomplished.

I regret the state of your medical aid. You have now eleven medical officers attached to the station; and within ten months past, there have been under your command no less than five surgeons and seventeen surgeons' mates; many of them acting as surgeons, and fitted for the office. With such numbers, your medical assistance ought not to have been so reduced as you state it to be at present. Neither these nor other officers must be permitted to leave the station for slight excuses. If they are, it will be impossible for the Department to keep the station supplied. All that can be done with the numbers for which provision is made by law, will be done. In the mean time, those with you must be retained, unless absolute necessity compels them to leave you.

I am, very respectfully, sir, your most obedient servant,
(Signed) SAM'L L. SOUTHARD.

Com. DAVID PORTER, *commanding U. S. Naval Force,*
West Indies, Gulf of Mexico and Coast of Africa, Thompson's Island.

I certify the foregoing to be a true copy from the records of the Navy Department.
CHA'S HAY, *Chief Clerk.*

MAY 11, 1825.

NAVY DEPARTMENT, *June* 19, 1824.

SIR: I have found it necessary to send the Hornet to La Guayra, and elsewhere.

Captain Kennedy will, on his passage, report to you, and receive your orders for his government, after he shall have accomplished what is directed by the Department.

The Porpoise I have ordered to proceed to the coast of Africa, in the place of the Hornet. Lieutenant Skinner will, on his return, report to you for orders.

I am, very respectfully, sir, yor most obedient servant,
(Signed) SAM'L L. SOUTHARD.

Com. DAVID PORTER, *commanding U. S. Naval Force,*
West Indies, Gulf of Mexico, and Coast of Africa, Thompson's Island.

NAVY DEPARTMENT, *May* 11, 1825.

I certify that the above is a correct copy from the records of this Department.
CHAS. HAY, *Chief Clerk.*

NAVY DEPARTMENT, *June* 29, 1824.

SIR: I have the honor to transmit to you, herewith, copies of letters, bearing date the 23d of April, 15th, 17th, 24th, and two of the 31st of May, 1824, addressed to you at Thompson's Island, which it is presumed you have not received, and to which I beg leave to call your attention. Should I find, upon further examination, any more which possibly may not have been transmitted in time to reach you, copies shall be immediately furnished.

I am, with great respect, sir, your obedient servant,
(Signed) CHAS. HAY.

Capt. DAVID PORTER, *commanding U. S. West Indian Squadron. Present.*

I certify that the above is a true copy from the original on record in the Navy Department.
CHAS. HAY, *Chief Clerk.*

MAY 11, 1825.

NAVY DEPARTMENT, *July* 19, 1824.

SIR: I have received letters this day from Lieutenant Commanding John D. Sloat, announcing his arrival at New York. I send you, herewith, a copy of a petition, from sundry inhabitants, and merchants, and others, of Matanzas, praying for a more efficient protection to our commerce.

You will perceive, from this statement, the necessity for the immediate return of the Shark, Grampus and Spark, to their station, and you will therefore order them out as speedily as possible.

I am, very respectfully, sir, your obedient servant,
(Signed) SAM'L L. SOUTHARD.

Capt. DAVID PORTER, *commanding U. S. West India Squadron, Bedford Springs.*

I certify that the above is a true copy from the original on record in the Navy Department.
CHAS. HAY, *Chief Clerk.*

NAVY DEPARTMENT, *July* 20, 1824.

SIR: It is the wish of the Department, that you cause a portion of the naval force under your command, to touch, occasionally, at the port of Tampico in Mexico, and to afford protection to the citizens of the United States, engaged in commerce with that port. Your attention is particularly directed to this part of the Mexican coast, in consequence of the representations contained in your communication of the 14th inst.

I am, very respectfully, &c.,
(Signed) SAM'L L. SOUTHARD.

Com. DAVID PORTER, *commanding U. S. Naval Force,*
West Indies, Gulf of Mexico, and Coast of Africa. Present.

I certify that the above is a true copy from the records of the Navy Department.
CHAS. HAY, *Chief Clerk.*

MAY 11, 1825.

NAVY DEPARTMENT, *July* 28, 1825.

SIR: I enclose to you a copy of a letter from Captain Wm. Norris, commander of the brig John, of Newport, R. I., detailing outrages committed on him and his crew near Matanzas; and I have to request that you will take such measures on the occasion as the case requires.

I am, very respectfully, sir, your obedient servant,
(Signed) SAM'L L. SOUTHARD.

Com. DAVID PORTER, *commanding U. S. Naval Force, West Indies, Gulf of Mexico. Present.*

I certify the foregoing to be a true copy from the records of the Navy Department.
CHAS. HAY, *Chief Clerk.*

NAVY DEPARTMENT *May* 11, 1825.

NAVY DEPARTMENT, *July* 29, 1824.

SIR: I enclose a copy of a letter from William Neilson, Esq., president of the American Insurance Company of New York, in relation to the capture of the Mercator, having on board a valuable cargo; and I request that you will make such a disposition of the force under your command as will render piratical aggressions of this description less frequent, if it be possible.

I am, very respectfully, sir, your most obedient servant,
(Signed) SAM'L L. SOUTHARD.

Com. DAVID PORTER, *commanding U. S. Naval Force,*
West Indies, Gulf of Mexico, &c., Bedford Springs.

I certify that the above is a true copy from the original on record in the Navy Department.
CHAS. HAY, *Chief Clerk.*

MAY 11, 1825.

Extract of a letter from the Secretary of the Navy to Com. David Porter, commanding U. S. squadron, West India station, dated—

NAVY DEPARTMENT, *August* 9, 1824.

You will execute this order with all practicable dispatch, in order that the John Adams may not be unnecessarily detained.

Extract of a letter from the Secretary of the Navy to Commodore D. Porter, dated—

OCTOBER 14, 1824.

It is deemed expedient by the Executive that you proceed as speedily as possible to your station, in the John Adams, that, by your presence there, the most efficient protection may be afforded to our commerce, and you may be ready to meet any contingencies which occur.

The Constellation will be fitted for sea, and sent to you as speedily as possible.

I certify that the above is a true extract of the original on record in the Navy Department.
CHARLES HAY, *Chief Clerk.*

MAY 11, 1825.

Extract of a letter from the Secretary of the Navy to Commodore David Porter, dated—

October 15, 1824.

I enclose copy of a resolution of Congress.

The surveys and examinations under it, so far as they relate to Thompson's Island, the Dry Tortugas, Tampa Bay, and Pensacola, are confided to your care, superintendence, and direction. The surveys of the two former places, already made, are supposed to be sufficient. Several officers have been directed to report to you to aid in this duty, and you will assign for it such vessel under your command as you think most proper.

Extract of a letter from the Secretary of the Navy to Captain David Porter, dated—

October 21, 1824.

The presence of a commander on the station being now indispensable, you will proceed to it.

Navy Department, *December* 27, 1824.

Sir: Your letter of the 15th November last, relating to the extraordinary transactions at Faxardo, in the Island of Porto Rico, on the —— day of that month, has been received and considered. It is not intended, at this time, to pronounce an opinion on the propriety of those transactions on your part, but their importance demands for them a full investigation, and you will proceed, without unnecessary delay, to this place, to furnish such explanations as may be required, of everything connected with their cause, origin, progress, and termination. For that purpose you will bring with you those officers whose testimony is necessary, particularly Lieutenant Platt, and such written evidence as you may suppose useful.

You will return in such convenient vessel as may be best spared from the squadron; and, on your leaving the station, you will deliver the command to Captain Warrington, with all such papers, instructions, and information, as may be useful to enable him, in the most efficient manner, to accomplish all the objects for which the vessels, now under your command, were placed there.

I am very, &c.,

(Signed) SAM'L L. SOUTHARD.

Commodore D. Porter, *commanding, &c., &c.*

I certify the above to be a true copy of the original on record in the Navy Department.

CHAS. HAY, *Chief Clerk.*

May 11, 1825.

Navy Department, *March* 2, 1825.

Sir: Your letters of yesterday, and this morning, have been received; and they will receive immediate attention the moment that the rising of Congress will give an opportunity to the Department of attending to them.

I am, very respectfully, sir, your obedient, humble servant,

(Signed) SAM'L L. SOUTHARD.

Com. David Porter, *U. S. Navy. Present.*

I certify that the above is a true copy from the original on record in the Navy Department.

CHAS. HAY, *Chief Clerk.*

May 11, 1825.

Navy Department, *March* 16, 1825.

Sir: It has become my duty to apprise you of the determination of the Executive, that a court of inquiry will be formed, as soon as circumstances will permit, to examine into the occurrence at Foxardo, which was the occasion of your recall, and also to comply with the request contained in your letter of the 8th instant.

It was the intention of the Department in ordering Captain Warrington to the West Indies, to relieve you from the command of the squadron there.

I am, respectfully, &c.,

(Signed) SAM'L L. SOUTHARD.

Com. David Porter, *U. S. Navy. Present.*

I certify that the above is a true copy from the original on record in the Navy Department.

CHAS. HAY, *Chief Clerk.*

May 11, 1825.

NAVY DEPARTMENT, *March* 23, 1825.

SIR: I enclose to you, herewith, copy of a letter from Thomas Randall, Esq., in reply to one of mine, apprising him that a court of inquiry would be in a few days convened for the investigation of your conduct.

I am, very respectfully, &c.,
(Signed) SAM'L L. SOUTHARD.

Com. DAVID PORTER, *U. S. Navy. Present.*

NAVY DEPARTMENT, *May* 11, 1825.

I certify that the above is a correct copy from the records of this Department.
CHAS. HAY, *Chief Clerk.*

WASHINGTON, *March* 22, 1825.

Samuel L. Southard, Esq., Secretary of the Navy:

SIR: I have the honor to acknowledge the receipt of your letter of yesterday, which informs me that you are requested by Commodore Porter to apprise me that a court of inquiry will be held in a few days; one object of which will be to investigate his conduct in relation to the carrying of specie, and neglect of his duties in the suppression of piracy.

Doubtless Commodore Porter in requesting, and you, sir, in making this formal communication to me of a fact which had already been published to the world, considered the notice of some special import to me, and designed that it should produce a correspondent effect upon my conduct. But as your letter does not state the relation in which I am considered as standing either to Commodore Porter or to the court, nor prescribe any course to be pursued by me, I am at a loss to know the object it was designed to produce.

I have therefore to request that you will be pleased to state how I am particularly interested in the fact you announce, and the effect your letter was designed to produce upon my conduct, in reference to the appproaching investigation.

I have the honor to be, very respectfully, sir, your most obedient servant,
(Signed) THOMAS RANDALL.

NAVY DEPARTMENT, *May* 11, 1825.

I certify that the foregoing is a correct copy from the original, on file in this Department, and that it is a copy of the letter alluded to in the letter from the Secretary of the Navy to Commodore David Porter, dated 23d March, 1825.
CHAS. HAY, *Chief Clerk.*

NAVY DEPARTMENT, *March* 24, 1825.

SIR: Midshipman Rowan, of the West Indian squadron, has applied for leave of absence to visit his friends in Ohio. I have suspended a decision, at his request, until I can be informed whether you will require his testimony in the investigation which you have called for.

Your early attention to this is requested.

I am, respectfully, &c.,
(Signed) SAM'L L. SOUTHARD.

Commodore DAVID PORTER, *U. S. Navy, Washington.*

NAVY DEPARTMENT, *May* 11, 1825.

I certify that the above is a correct copy from the records of this Department.
CHAS. HAY, *Chief Clerk.*

Extract of a letter from the Secretary of the Navy to Commodore David Porter, dated—

APRIL 20, 1825.

Enclosed you will receive a copy of the precept which has been issued for a court to make the inquiry, instituted by the Executive, into your conduct at Foxardo. You will perceive that the same court is also directed to make the inquiry which has been granted at your own request.

OFFICIAL COMMUNICATIONS FROM COMMODORE PORTER TO THE DEPARTMENT.

[Extract.]

BALTIMORE, *December* 21, 1823.

SIR: In pursuance of the instructions of the Board of Navy Commissioners of the 17th, I yesterday purchased eight schooners, which will all sail on the 23d or 24th for Norfolk, to receive their armaments and equipments. Most of the vessels are quite new, requiring no repairs, and may be sent on service at a very trifling expense.

The cost of the whole will be, when delivered at Norfolk, $10,190, averaging a little over $1,273; having for their outfits $327 dollars each, which I presume will be sufficient; but as this will be a part of the operation over the expense of which I can have no control, I cannot pretend to say that they will not exceed the limits which you have prescribed to me.

I have named these vessels as follows, and their tonnage is annexed, viz:

Ferret, 51: Weasel, 53; Terrier, 61; Jackal, 47; Fox, 51; Wild Cat, 48; Grayhound, 65; Beagle, 52.

They are all of light draft of water, and have every appearance of sailing well. I have not in every instance been able to get the owners to deliver them at Norfolk, but shall labor under no inconvenience on that account, as there are a number of men recruiting to be sent down, who can go to their officers in those which we have to deliver.

(Signed) D. PORTER.

The honorable the COMMISSIONERS *of the Navy, Washington.*

A return of the vessels and commanding officers attached to the squadron under the command of Commodore D. Porter, for the suppression of piracy.

United States ship Peacock, Stephen Cassin, Esq., master commandant.
United States schooner Shark, Matthew C. Perry, lieutenant commandant.
United States schooner Grayhound, John Porter, Esq., master commandant.
United States schooner Jackal, Thomas H. Stephens, lieutenant commandant.
United States galliot Sea Gull, William H. Watson, lieutenant commandant.
United States schooner Fox, William H. Cocke, lieutenant commandant.
United States schooner Wild Cat, Charles W. Skinner, lieutenant commandant.
United States schooner Beagle, John T. Newton, lieutenant commandant.
United States schooner Ferret, Samuel Henley, lieutenant commandant.
United States schooner Terrier, Robert M. Rose, lieutenant commandant.
United States schooner Weasel, Beverly Kennon, lieutenant commandant.
Decoy store ship, Lawrence Kearney, lieutenant commandant.

FEBRUARY 13, 1823.

[Extract.]

U. S. SCHOONER PEACOCK, *Hampton Roads, February* 23, 1823.

SIR: I have the honor to inform you, that I am now anchored in these roads with the whole squadron, with the exception of the barges, which will be ready to leave Norfolk in the course of two days, and will proceed direct to Thompson's Island.

My course with the squadron will be circuitous, and will be regulated by your instructions of the 4th inst.

(Signed) D. PORTER.

Directed to the honorable S. THOMPSON, *Secretary of the Navy, Washington City.*

Commodore Perry to the Secretary of the Navy.

U. S. SHIP PEACOCK, *St. Thomas, March* 3, 1823.

SIR: I have the honor to inform you, that I this morning arrived at this place, with all the squadron under my command, except the Grayhound, which vessel separated in a gale.

I have dispatched Lieutenant Commandant Perry, with the Shark and three small schooners, to scour the south side of Porto Rico, and shall sail to-morrow with the rest of the squadron for St. John's, where I have been informed several privateers have been fitted out, which have done considerable injury to our commerce.

I am also informed that there is a large British naval force in those seas, a squadron of which, apparently on the look-out, I fell in with this morning.

I have the honor to be, with great respect, your obedient servant,

D. PORTER.

Honorable S. THOMPSON, *Secretary of the Navy.*

Commodore Porter to the Secretary of the Navy.

U. S. SHIP PEACOCK, *Matanzas, March* 28, 1823.

SIR: I have the honor to inform you, that I arrived here on the 26th, after giving to the north coast of St. Domingo and Cuba as thorough an examination as was practicable, with the two schooners, and the boats of this ship, with the greater part of her crew; while all the keys off shore, pointed out to me as the rendezvous of pirates, were examined by the ship.

The service has been very fatiguing to those employed, for more than a week past, in open boats, and in the most dangerous and intricate navigation in the world; but it has been performed cheerfully,

and I wish I could say successfully; but we have not, in this long route, been able to detect a single pirate, although our suspicions rested on many; nor can I conceive how we shall ever be able to detect them: for they are one day fishermen, another droguers, wood-cutters, salt gatherers, or pirates, as best suits them. Every Spaniard is armed with a knife, and this weapon, according to their mode of warfare, is enough for them. Were we to apprehend every suspicious Spaniard and vessel, their coasting trade would soon be entirely broken up. Since my arrival here, I have heard of the most horrid atrocities committed by them. They now spare no one; whole ships' crews are indiscriminately burnt with their vessels; and there has been an instance recently of the murder of a crew under the wall of the Moro.

I have written to the captain general a letter similar to the one I wrote to the captain general of Puerto Rico, calling on him for information and co-operation, and await his reply, which I expect to-morrow or next day, and shall then proceed to Thompson's Island, to make arrangementsf or the most energetic operations. I shall there meet all the force which I dispatched from Aguadilla, with the exception of the Shark.

On my arrival here, I found a fleet of American vessels waiting for convoy, some of which had been ready for sea twenty days, and was surprised and mortified to find that all our vessels of war had left this coast, and our commerce here entirely unprotected.

The only protection I can give them is the two small vessels, which will convoy them beyond the reach of pirates, and after examining a bay to windward, which has been their resort for some time, will join the squadron at the place of rendezvous.

The departure of those vessels of war stationed here for the protection of our commerce, and which I calculated on finding here, has caused me some embarrassment: as it becomes necessary to employ part of the force which was intended for the pursuit and destruction of pirates to give that protection to our trade which it has a right to. The reasons for their departure are unknown to me, and I must leave it to their commanders to make the necessary explanations. Five piratical vessels have for some weeks been watching the fleet in the bay, which I shall cause to be examined; and since our arrival, as you will find by the enclosed copy of a note from a highly respectable source, they have dispersed and disarmed. I shall do all in my power, with whatever force may be at my disposal, to give protection to our commerce, and effect the destruction of pirates; and protection shall be the primary object; but, to fulfill the expectations that have been formed, we shall want at least two or three of the large schooners, in addition to those we now have.

I was surprised to learn, on my arrival here, that circulars had been written by the captain general to the governors and commanders of the different districts of the island, forbidding the entrance of my squadron into any of its ports, or the landing of any part of my forces in pursuit of pirates. The island appears at present in a very agitated state, and the government appear to think that the United States would consider it a very desirable acquisition. I shall use every means in my power to satisfy them that my objects are totally unconnected with anything of a political nature.

All vessels ordered under my command, I beg may be directed to report to me at Thompson's Island.

I have the honor to be, very respectfully, your obedient servant,

D. PORTER.

Hon. Smith Thompson, *Secretary of the Navy, Washington City.*

P. S.—Since writing the above, I have heard of a pirate to leeward, and have dispatched the two schooners and boats after her. I shall know the result of the expedition in the course of a few hours, and have good reason to believe it will prove successful.

Extract of a letter from Commodore Porter to the Secretary of the Navy, dated—

U. S. Steam Galliot Sea Gull, *Matanzas, April* 16, 1823.

Sir: For the last two weeks, our movements and occupations have been so various, that to enter into a full detail, would swell too much this communication; to be brief, therefore, I shall merely state that, within that time, we have built our store houses on Thompson's Island, landed all our stores, collected together all the schooners of the squadron, and stationed them at different points on the coast of Cuba; fitted out all the barges which were also on the coast, and captured one pirate, a pilot boat schooner, formerly the Pilot, of Norfolk, armed with one long twelve-pounder, and commanded by Domingo, the notorious head of this horde of desperadoes, who formerly commanded the Saragariana—the vessel, in the attempt to capture which, the gallant Allen fell—Domingo, and two of his crew, only escaping to the shore with their lives, and one was taken.

The Pilot had been in possession of the pirates eight days; I had heard of her capture on my first touching in at Matanzas with the Peacock, and left the two schooners the Wild Cat and Beagle, to look out for her and the Saragariana to windward, while the Peacock shaped her course towards Havana; but, not finding her, I hastened to Thompson's Island, and two of the barges being got ready, and manned from her fine crew, I dispatched Captain Cassin with them and two of the schooners, which soon arrived, to examine from Havana down to Cape Antonio, and thence to Trinidad, on the south side of the island. A piracy having recently been committed near the latter place, Captain Cassin left Thompson's Island on the morning of the —, and next morning received information that the Pilot had been seen off the Moro; he consequently sent Lieutenant Stribling to windward, along shore, with the barges, while he kept a look out for her near Havana; on the same day, the Wild Cat and Beagle fell in with her to leeward of Matanzas, chased her to within gun-shot the greater part of the day, giving and receiving from the Pilot a smart fire; but night coming on, she eluded them by getting close under the land, hauling down all sail, and getting off with her sweeps. In about an hour after this, Lieutenant Stribling ran alongside of her with his two boats, one commanded by himself, the other by Midshipman Kelly, acting as lieutenant of the Fox, and took possession of her, after a fire of ten minutes, in which time, all the crew, except the captain and three others, one of whom is taken, were killed, the pirate having time to fire his long gun only once; and what adds to the satisfaction I feel in giving these particulars, which I have obtained from Lieutenant Skinner, who fell in with Lieutenant Stribling and his prize next morning, is, that no

one was even wounded on board our boats, so sudden and effectual was the attack, which does great credit to Lieutenant Stribling, and all those concerned with him in this gallant affair.

I have with me, here, the Sea Gull, three barges, and one of the boats belonging to the Peacock, besides the vessels intended for convoy. The barges I have placed under the command of Lieutenant Cassin, of the Peacock; which ship, as well as the Decoy, I have been compelled to lay up, in order to obtain men to man the barges, not having found a single vessel on the station on my arrival.

I shall dispatch Lieutenant Cassin to windward, so soon as the weather will permit, where I have strong expectation, from information received, of breaking up a nest of these vagabonds. Two schooners, under Lieutenant Commandant Kearney, are stationed off Havana, to give convoy; two are now refitting to relieve some of the others, and we are now in full operation. But it is greatly to be regretted that I should have been compelled to employ for convoy those small schooners, which were intended solely for the purpose of hunting the pirates out of their hiding holes; but, notwithstanding I have not, including the crew of the Peacock, the number of men required to man one of our large frigates, I hope to effect the object for which I was sent here, and, for a time, give protection to our commerce by convoy. Yet the duty is severe, and more than men can long bear; some respite will be necessary. But it would be unjust in me if I did not say, that every officer and man under my command enter with the utmost alacrity and zeal into the severe duties which this novel service imposes on them; and, although most of them have scarcely put their feet on shore from their cramped vessels since they left the United States; although they have suffered all that men could suffer in crossing the gulf stream, in heavy gales, in open boats; still, not a murmur has been heard from any one. Some, from sickness, and finding themselves unequal to the fatigue, have asked leave to return, and I have indulged them; but, in general the squadron enjoys uncommon health, and there is every prospect of its continuance.

Domingo, the captain of the Pilot, was in this place yesterday, the day of my arrival, and has since disappeared. He acknowledges the death of all his crew, except those before mentioned.

The Pilot is a remarkable sailer; was a constant trader to Havana. Domingo had long set his heart on having her, and, immediately on capturing her, armed and took the command of her. I hope soon to give you some further account of him and the Saragariana. There was one act of politeness in this singular character, which I cannot omit mentioning. There were a large number of letters for myself, and the officers of the squadron, on board the Pilot when she was taken, together with many for merchants in Cuba. Domingo possessed himself of all the mercantile letters, and delivered to the captain of the Pilot all those for us, desiring him to send them to us, as he did not wish to deprive us of the opportunity of hearing from our friends. He said he had no ill-will against us; we were but doing our duty.

The Peacock, sir, is too fine a ship to keep in a state of idleness; and without her crew, I should not have been able to man the barges, by far the most efficient force we have.

In the present state of the establishment at the island, it will be in vain to look for those comforts which the fatigues of the kind of life we now lead, make more necessary to us than they would be at other times, without the conveniences which a ship affords. I do not make this remark so much on my own account as on account of others. The accommodations of the Peacock are small. We have been a great inconvenience to her officers; and it has been the source of great pain to me to witness how much myself, and those who necessarily accompanied me, have been to Captain Cassin and his officers, who have made every sacrifice of their own comfort for our accommodation.

It would be extremely satisfactory to me, and, I am persuaded, would be highly advantageous to the public interest, if I could have a ship and crew for the accommodation of myself and those with me. The Erie would suit me extremely well if she had a poop on her. I want no larger or better ship, and I beg I may not be refused, for, at present, I am completely on the parish, not living as I could wish, but as I can. This is the only request I have made since I embarked in the enterprise, in which I am individually concerned; and it would not have been made, were I not satisfied that the public interests would be more benefited than my own comfort would be promoted. If I cannot have the Erie, I beg that I might have the Macedonian, or some one other of our frigates; but, whatever ship may be sent, I hope she may be furnished with a poop. It is essentially necessary in this climate, and on such a service.

I have the honor to be, your very obedient servant,

D. PORTER.

The honorable SECRETARY *of the Navy.*

Commodore Porter to the Secretary of the Navy.

U. S. STEAM GALLIOT SEA GULL, *Matanzas, April* 24, 1823.

SIR: In my last, I informed you that I had dispatched the barges to examine a bay to windward of Point Yeacos; and having intelligence of three piratical schooners in the river Palmas, I left this place on the 19th, joined the barges next day near Key Blanco, and, after a laborious search of two days, discovered the river, where we found the remains of the vessels, which the pirates had burnt, evidently a short time before our arrival there; I consequently returned to this place, sending three of the barges along the coast to Havana, to which place I shall proceed, after giving convoy to the vessels in this place, having found it necessary to send the two vessels employed here on this service to Thompson's Island, to refit.

I believe, sir, I can now say with safety, that there is not a pirate afloat on this part of the coast of Cuba, larger than an open boat; and even that is doubtful, the Saragoziana, in her flight from here, having been taken by two British sloops-of-war at the east end of the island.

I have the honor to be, your obedient servant,

D. PORTER.

HON. SMITH THOMPSON.

Extract of a letter from Commodore David Porter to the Secretary of the Navy, dated—

U. S. Galliot Sea Gull, *Allenton, Thompson's Island, May* 10, 1823.

Since I last had the honor to address you, I have returned to this place with the Sea Gull and barges, and found here Captain Cassin, with the schooners and barges that accompanied him.

The report of his cruise is enclosed. Our last cruise has been, altogether, a most arduous and fatiguing one; and, although we have not many trophies to show, it has not been without effect; the result has been, the capture of a piratical schooner and a very fine felucca; the destruction of one on shore, the burning of three schooners in the Rio Palmas, and about a dozen of their houses in the different establishments to leeward of Bahia Honda, and inside the Colorados reef; the complete dispersion of all their gangs from Rio Palmas to Cape Antonio; and, what will be of no little importance to all our future operations, a most thorough and intimate acquaintance with the whole line of coast, from Cayo Blanco to the east, down to Cape Antonio in the west. We have taken only one prisoner, and I shall endeavor to use such information as I can squeeze out of him to advantage. I shall dispatch the Peacock to-day for La Vera Cruz, to relieve the Shark, and shall now be left with only my small vessels, two of which, with two barges, (which I have found great difficulty in manning from the Sea Gull and store ship,) I shall send off this evening under the command of Lieutenant Commandant Watson, on an expedition among the Keys in the Old Straits, and thence, around the island, to return by the way of Cape Antonio.

Two schooners, under the command of Lieutenant Commandant Rose, are making the circuit by the other route, commencing at Point Yeacos, going round Cape Antonio, and returning by the Old Straits; two, under command of Lieutenant Commandant Skinner, are convoying from Havana; and the remaining two are careening, and will in a few days sail for the protection of our commerce; and the three remaining barges are hauled up for the want of men.

I beg you, sir, to take into consideration the uncomfortable situation of myself and those with me, and, as early as may be possible, send me a frigate, or a large sloop-of-war fitted for the climate, or I shall otherwise, most reluctantly, on account of health, be compelled to relinquish a service which I set my heart on accomplishing—the total suppression of piracy in the West Indies and Gulf of Mexico; it has been effected about the north side of Cuba, and, with suitable means, I have no doubt of effecting it elsewhere.

Not one of the vessels of war belonging to the West India station, except those which I brought with me from the United States, have yet shown themselves, nor can I get any intelligence of them, by which I can be enabled to command their services.

When I left Matanzas, the country was alarmed by large bands of robbers, well mounted and armed, who had plundered several estates, and committed some murders in the neighborhood of the city. Bodies of horse had been sent in pursuit of them, and the militia were all under arms; some prisoners had been taken, and it was said that those bands were composed of the freebooters which lately infested the coast, and who, being compelled to abandon the ocean, had taken up this new line of business.

Extract of a letter from Commodore David Porter to the Secretary of the Navy, dated—

Sea Gull, *Allenton, May* 11, 1823.

We are very much in want of one hundred seamen and ordinary seamen, in addition to our present number, to enable us to carry on our operations; and if we do not obtain them, I shall be under the necessity of discontinuing the employment of the barges; at present I can only man two of them, and to do so am compelled to lay up this vessel and the Decoy.

We shall also want a number of officers, of every class; how many I am unable to say yet; but, from present appearances I am induced to believe that many will (in not a very long time) wish to return to the United States. The service we are employed on is a very harassing one, and, if it should not occasion much waste of life, it will, at least, try the strength of our constitutions, and our capacity for the endurance of fatigue and privations.

The commanding officer of marines states to me that he requires, in addition to his present force, fifty officers, non-commissioned officers and privates; and from the difficulty of supplying the guards which I require, I should presume that a larger number would be necessary.

From the importance of the trade of Cuba and the Gulf of Mexico, the whole of which is now completely protected from this place, with a force not equal to one frigate, I presume my requests will not be considered extravagant. The arrivals and departures of American vessels, from the port of Havana alone, average about thirty per week, and those from Matanzas about twenty. Not a day elapses but that great numbers of American vessels are to be met passing through the Gulf, and since an establishment here they daily in numbers pass in sight of us.

I mention these facts to give you an idea of the importance of this station, and to show the propriety of augmenting the force by the additions which I have asked.

A frigate, or a large sloop-of-war, is indispensable to us, and we cannot exist with anything like comfort without one.

Thrown as we are on a barren and desolate island, that does not supply even water, I hope our situation may be made as free from sufferings as the Department can, without inconvenience to the public interest, make it.

U. S. Galliot Sea Gull, *Allenton, Thompson's Island, May* 19, 1823.

Sir: I have the honor to inform you that not a single piratical act has been committed on the coast of Cuba since I organized and arranged my forces.

I have the honor to be your obedient servant, D. PORTER.

Hon. Secretary *of the Navy.*

Extracts from a letter of Commodore D. Porter to the Secretary of the Navy, dated—

U. S. GALLIOT SEA GULL, *Allenton, May* 23, 1823.

SIR: We have a vastly important commerce to Havana and Matanzas, which is now left to the protection of a small schooner of three guns, at each place; all the others, with the exception of two, coming in to repair, are cruising for pirates on the south side of the island, and in the Old Strait of Bahama.

I am at present left with only the Sea Gull, as the store ship is on the point of sailing for a load of water for us, the lagoons on the island having dried up.

I beg, sir, that our situation may be taken into consideration, and that some means may be speedily employed to ameliorate it. The principal thing wanting is a large vessel, and the aid and comforts which she would afford. At present, I have no place to shelter me but the awning of this small vessel. I cannot obtain hands enough for my use to man a boat. I have no comforts whatever, and I find my health gradually sinking. I would be the last to complain without cause; but the rainy and sickly season is now coming on, and I should fail in my duty, were I not to acquaint you with our true situation.

Allow me to suggest, that this appears to me to be the most suitable place to give protection to the commerce of the Gulf of Mexico, and that all the forces now employed at New Orleans, could be much more advantageously employed here.

Extract of a letter from Com. David Porter to the Secretary of the Navy, dated—

SEA GULL, *Allenton, June* 4, 1823.

I yesterday was informed of a piratical schooner on the south side of Cuba, which had captured two vessels, and I immediately dispatched the Grayhound in pursuit of her.

It is with regret I inform you, that I am compelled to discontinue giving convoy from Havana, as my forces are now so scattered, that it cannot be done without neglecting the main object of the expedition. When our cruising was on this side the island, I found less difficulty in the thing.

We are greatly in want of larger vessels, and more men, and I sincerely hope that they may be sent as early as possible.

Commodore Porter to the Secretary of the Navy.

U. S. GALLIOT SEA GULL, *Allenton, June* 6, 1823.

SIR: We are greatly in want of medical aid on this station. Doctor Williamson, in charge of the hospital, and Doctor Edger, in charge of the sick in the harbor, have both been taken seriously ill, within a few days, which leaves me with only one surgeon's mate. The small vessels are equally in a suffering condition, having but one acting mate between two of them; and, had it not been for the few acting appointments given by me, they would have been entirely destitute.

I beg, sir, that our situation may be taken into consideration, and as the sickly season is fast approaching, I hope that several surgeons' mates may be sent out to us. Six, at least, in addition to our present number, are required.

I have the honor to be, with great respect, your obedient servant,

D. PORTER.

Honorable SECRETARY *of the Navy.*

Extract from a letter of Commodore D. Porter to the Secretary of the Navy, dated—

SEA GULL, *Allenton, June* 24, 1823.

SIR: By the Hornet, just arrived, I am informed of the capture of two piratical launches by the Ferret, Lieutenant Commandant Newell, a few leagues to the west of Matanzas.

It appears that they were chased into a small harbor, where there was not water sufficient for the schooner; and on the approach of her boat, (carrying only four persons,) they, (about forty,) commenced a fire on her from behind the rocks, and nearly sunk her. The schooner then opened a fire on them with her nine-pounder, drove them from their skulking places, and took possession of the launches.

Such is the account I have received from Lieutenant Shubrick, of the Hornet, whose ship fell in with Lieutenant Commandant Newell on his passage.

There is good reason to believe that these are the boats which plundered the American brig Mary Joan, Captain Hubbard, inside the Bay of Matanzas, twelve days since.

It appears that these launches were captured about the 19th inst.; that their cruise has been only of six days' duration; and that they were taken in not more than three days after I received information respecting them.

It is expected that this prompt detection and punishment of the first attempt at piracy, since the arrangement of my forces on the coast, will deter them, at least for a time, from fitting out any new expeditions.

Commodore Porter to the Secretary of the Navy.

SEA GULL, *Allenton, Thompson's Island, July* 17, 1823.

SIR: It is with infinite satisfaction I do myself the honor to lay before you Lieutenant Commandant Watson's official report of the almost total annihilation of the crews of two piratical vessels, by the barges Gallinipper and Musquito, under his command.

When we take into consideration the immense superiority of force opposed to him, the advantage and preparation on the part of the pirates, and the result of the action, we cannot but be impressed with the conviction, that nothing less than Providential influence and protection could have occasioned consequences so fatal to the pirates, and so exempt from injury on our side as to appear almost miraculous.

The five surviving pirates, being desperately wounded, I have, in compliment to the favorable disposition and zealous co-operation of the authorities of Havana, sent to the Captain General of Cuba, to be tried by the laws of Spain.

Enclosed is a copy of my letter to him on the subject.

I cannot close this communication, without expressing a hope that the brilliant success of Lieutenant Commandant Watson, and his excellent character as an officer and man, may induce the Department to promote him to a higher grade, as the most suitable reward for his services.

I have the honor to be, with great respect, your obedient servant,

D. PORTER.

Hon. SMITH THOMPSON, *Secretary of the Navy.*

SEA GULL, *Port Rodgers, August* 1, 1823.

SIR: Application has been made to me by the American consul, to take one million of dollars from La Vera Cruz to Cadiz, in October, and as we have but few opportunities in this way, to make a little for ourselves, may I ask the indulgence of the Department in this respect.

If a direct conveyance cannot be granted, can I send the money to the United States; and can a transhipment take place from thence to Cadiz? This course will obviate all objections as regards the belligerent character of the property, if any exists.

An answer by the return vessel is desirable. I have the honor to be, your obedient servant,

(Signed) D. PORTER.

Honorable SECRETARY *of the Navy.*

I certify the above to be a true copy from the original.

CHARLES HAY, *Chief Clerk.*

NAVY DEPARTMENT, *May* 10, 1825.

Extract of a letter from Commodore David Porter to the Secretary of the Navy, dated—

ON BOARD THE SEA GULL, *Allenton, Thompson's Island, August* 1, 1823.

I have been engaged, since the return of the barges under Lieutenant Commandant Watson, in preparing them for an expedition to the piratical establishment at New Malaga, against the arrival of the expected vessels, from which I calculated on getting men; but I have lately been informed, by the arrival of a British brig-of-war at this place, (with every officer and man down with the yellow fever, except thirteen,) that a sloop-of-war and several light vessels from Jamaica, have gone against that place. I shall, consequently, as there is much danger from sickness on that coast, delay my departure until I hear the result of the British expedition, and have directed the commander of the Hornet to take one of the small schooners, (now on the coast of Cuba,) with him, to send back with such information as he may collect on the subject. There have been no captures, (except Spanish, by open boats,) by pirates, on this side of the Island of Cuba, since I have been here and no pirate has appeared that we have not captured.

Extract of a letter from Commodore David Porter to the Secretary of the Navy, dated—

SEA GULL, *Port Rodgers, August* 31, 1823.

It is with the deepest regret I have to inform you, the yellow fever has lately made its appearance among us to an alarming degree, and has carried off several. For information as to the number of deaths, and the present situation of the sick, I beg leave to refer you to the enclosed medical reports, and to say that we are badly off for medical assistance.

Commodore Porter to Commodore Chauncey.

WASHINGTON CITY, *October* 27, 1823.

SIR: I have the honor to report to you my arrival here, in the United States galliot the Sea Gull, from Thompson's Island, in forty-three days, and from which place I was driven, with the squadron, by a pestilence which made its appearance there, carrying off, in a short time, for the want of the necessary

medical aid on the station, a great number of valuable officers and men. This circumstance induced me to order the large vessels to Hampton Roads, there to remain for a short time, where medical assistance, if required by them on their arrival, could be obtained. But I am happy to inform you that, with the exception of some intermittents, contracted since their arrival, they are perfectly healthy, as all the small vessels were which were left on the station.

The vessels on the West India station have never been more healthy than they have been this season, the disease with which we have been afflicted being altogether local, and originating in the decomposition of vegetable substances, after the heavy rains, and during the succeeding intense heat of the weather. My experience convinces me that, from the middle of July to the middle of October, the lee side of Thompson's Island is an unfit residence for man; for the rest of the year, no place within the tropics can be more healthy. Those who have resided on the weather side of the island have at all times been exempt from the sickness with which those to the leeward have been afflicted. As a place of deposit for our stores, and of repair for our vessels employed on the coast of Cuba, no place can be better adapted; but, while the same causes for disease exist, and they must ever exist, it would not be prudent to make it a permanent station, where many men would be exposed to the baneful influence of the sickly season. As we are now happily situated, with regard to the authorities of Cuba, the inconvenience of an absence of three or four months from Thompson's Island would not be felt, and the excellent and healthy harbor of Matanzas, where we enjoy every facility and convenience from the local authorities, will obviate all the other inconveniences which might otherwise be experienced. The short delay of receiving stores from on board the ships from the island, and the position they may take outside the harbor, free from the influence of the poisonous vapor which arises from the ponds, would render them secure from its effects. Should it be the design of the government to keep a force there, I had proposed to myself this arrangement. Under all circumstances, however, it will be proper to have more medical men on the station; and had the necessary number been furnished this year, the squadron would have been, no doubt, in a great measure, saved from the deplorable consequences which have resulted, as the disease, in the commencement, was completely under the control of medicine; but, I regret to say, that several perished without receiving any medical aid whatever, and without ever seeing a physician. The whole of the medical men, with scarcely an exception, were, from their great fatigue and exposure, taken down with the disease, and we were left to perish for want of that assistance which we thought ourselves entitled to. I am well aware, however, of the difficulties the Department has labored under to make the surgeons do their duty.

The Sea Gull will want coppering, and some other repairs; the rest of the vessels are in general in good order. Several of the officers of the squadron under my orders request leave of absence for a short time, and many applications are daily made to me on points of duty relating to my command. I beg to be informed by you, whether I am to act on these matters as I have done heretofore, or to leave them to the management of the Navy Department.

I shall hold myself, and the vessels, ready to return to the station, so soon as it can be done with safety to those on board. I must entreat of you, however, an additional supply of medical men for the vessels of the squadron, and for the establishment on shore.

I have the honor to be, with great respect, your obedient servant, D. PORTER.

Com. ISAAC CHAUNCEY, *Senior Member of the Board of Navy Comm'rs, and Acting Sec. of the Navy.*

Com. Porter to the Secretary of the Navy.

BALTIMORE, *November* 19, 1823.

SIR: In conformity with your wishes, verbally expressed to me, I have the honor to submit to you a brief outline of my proceedings in the West Indies, with the squadron under my command, for the suppression of piracy, and for the protection of persons and property, of the citizens of the United States.

In order to take in as large a field for operation as possible, I proceeded with my squadron, consisting of a sloop-of-war, a steam galliot, a store ship, and nine schooners, to windward, touching at St. Thomas, showing my forces off the forts of Porto Rico; and although my presence there was attended with the loss of a gallant young officer, it resulted in the raising of the blockade of the coasts of the Columbian republic, and gave a check to a system of licensed piracy, which had for a long time previously been practiced, from St. John's, and other ports of that island.

From thence, I continued to scour the coasts of the islands of the West Indies to Cuba, the place of our destination, where we found piracy in full force; but, by the extraordinary activity and vigilance of the officers and men under my command, it was, in less than two months from our arrival, as completely suppressed, as it is at this moment, or will be for several years.

The actual presence of an active naval force, with a proper understanding with the authorities on shore, being the only means by which the hordes of desperadoes, which have so long infested the almost unknown coasts of this extensive island, can be completely exterminated, happily the utmost cordiality and most perfect co-operation have existed between the authorities of Cuba and myself; and, from them, I have received every countenance which could aid me in effecting an object so interesting to the whole civilized world, and so honorable to the character of our country; and from those under my command, a zeal and activity which have been rarely equaled, and, I will venture to say, have never been surpassed, in any navy, or on any service.

Humanity will deplore the loss of the many gallant spirits which accompanied me, and which shared in this most arduous duty; but she will console herself in the reflection, that the whole world has benefited by their exertions, and that numbers unknown have, by them, been saved from the knives of the most blood-thirsty monsters that ever disgraced the name of man.

The details of the operations of the forces entrusted to me have, from time to time, been communicated to you. I beg leave, therefore, to refer you to the archives of the office for more minute information. It will, I hope, suffice to say that, at present, I have no knowledge of the existence of any piratical establishment, vessels, or boats, or of a pirate afloat, in the West Indies and Gulf of Mexico. They have all been burnt, taken, destroyed, and driven to the shore, where the latter have, in most cases, been speedily captured by the local military.

Some severity has been exercised while the battle lasted, but the result has been beneficial, the

examples having struck a panic which will, no doubt, long serve to deter others from embarking in similar pursuits.

The fixing an establishment at Thompson's Island for rendezvous and supplies, as my instructions required, has had the most happy effect in attaining the object in view. Its vicinity to Havana, placed, as it were, in the thoroughfare of vessels sailing through the gulf, makes it, in many points of view, an object of great importance to the United States; and, although for three months in the year it must ever remain sickly, while existing causes continue, it is, from its extraordinary salubrity for the remainder of the year, worthy a closer examination, to ascertain whether they may not be eradicated. It is my opinion that, by thinning the woods and draining off the heavy rains of the month of June, thereby promoting a free circulation of air, evaporation and dispersion of the water rendered stagnant by the excessive heat of June, and which causes the rapid decomposition of the vegetable matter with which the island abounds, the months of August, September, and October might be sufficiently healthy for the residence of man; but, at present, the poisonous effluvia arising from these causes is almost certain destruction to whoever breathes it. Had I been aware of its pernicious effects, I could, without any inconvenience, have guarded against them by an earlier removal of the ships; but it took us by surprise, and the malignity of the disease was unparalleled. It is certain that it originated on the island, for our ships, with the exception of those sent to work on shore, have, in their crews, enjoyed uncommon health.

In my intercourse with foreign officers, in general, I have received from them every attention, and from none more than those of the British navy. The Jamacia station had heretofore been commanded by an admiral; but, when Sir Edward Owens, an officer of the same rank as myself, was charged with a force for the suppression of piracy, Admiral Rowley was recalled to England, that we might meet on equal grounds.

Offers for co-operation were repeatedly made to me, but, feeling that the forces under my command were fully adequate to the object, I declined confining myself to any general plan, leaving it altogether to the accidental meetings of our respective forces, and to circumstances. It affords me pleasure to say, that whenever such meetings did take place, with a common object in view, they have been attended with the happiest results.

The law making appropriation for the suppression of piracy, limited the amount to be expended to $160,000; and, in the expenditure, much latitude was given to me by the honorable Secretary of the Navy and the Board of Navy Commissioners. In the exercise of the trust reposed in me, I have endeavored to observe the utmost economy; and, when all shall be deducted which has been charged to the appropriation for this object, and shall be charged under the proper heads, it will be found that a large unexpended balance will be remaining in the treasury.

The improvements of Thompson's Island, transportation of stores for the general service, medicines, hospital stores, &c., &c., &c., are of this description; and, when the sale of the vessels purchased for this service shall take place, and their proceeds be returned to the treasury, the expense of the expedition will be a subject scarcely worthy of consideration.

Should the gradual withdrawal of the small vessels take place, I beg leave to suggest that a frigate, in addition to the two sloops-of-war now attached to the squadron, is due to the character of our service, to the respectability of our flag in that quarter of the world, and would, by the convenience she would afford to our open boats, in the pursuit of pirates, offer the most certain means of keeping them in check.

The moral effect produced by this expedition should not be overlooked. The system of privateering which has prevailed, has, from its looseness, been the cause of many vexations to our commerce. Our presence has occasioned the oldest governments to recall vessels of this description, and the new governments of America to issue their commissions with more precautions, to guard against abuse; consequently, our commerce is free from interruption, and our flag respected throughout those seas.

I have the honor to be, &c.,

D. PORTER.

Hon. SECRETARY *of the Navy, Washington.*

WASHINGTON CITY, *November* 27, 1823.

SIR: Agreeably to your wish, I have perused the letter from Mr. Biddle, and fully concur with him in the necessity of affording protection to our Mexican commerce, and the advantage resulting from the transportation of specie in our ships of war, as the most certain means of taking away the powerful temptation for piratical depredations on merchant vessels.

Since I have had the honor to command on the West India station, I have kept one vessel constantly in the Gulf of Mexico, to give protection to the persons and property of our citizens, and for the transportation of specie to the United States, agreeably to the orders of the honorable Secretary of the Navy, of the 1st February, 1823. Many applications have been made to me to permit cochineal to be embarked with the specie, but I have invariably opposed it, because I had no instructions which would authorize my consenting to the measure; and however it might have been to my interest, or to the interest of the merchants, I was not willing to give my sanction to what might be liable to abuse, and bring censure on me.

I have gone no further in this respect than my orders required, and the consequence has been that many millions have found their way to England in British men-of-war, that would otherwise have been brought to this country in our own ships, as merchants invariably embark their specie in the same vessel with their cochineal.

Of the propriety of adopting the measure, being a party interested, it might be improper in me to speak. I can only say, that whatever orders I may receive, they shall be punctually obeyed; and whatever course the Department may think proper to take, I shall endeavor, by an honest and faithful discharge of the trust reposed in me, to meet its views; and if vigilance can prevent abuses, none shall be practiced by any under my command.

I have the honor to be, with great respect, your obedient servant,

(Signed) D. PORTER.

Hon. SAM'L L. SOUTHARD, *Secretary of the Navy.*

I certify the above to be a true copy of the original. CHAS. HAY, *Chief Clerk.*

NAVY DEPARTMENT, *May* 10, 1825.

WASHINGTON CITY, *November* 29, 1823.

SIR: I have the honor to state to you, that it is in my opinion necessary and proper, that the rate and application of freights for carrying specie in our ships of war, should be fixed by the Department, as there is no existing regulation on the subject.

The merchant is glad to avail himself of the protection and security thus offered to his property, for which he is willing to pay. It is made the duty of the commander of the ship to give protection and security, and to take on himself responsibilities for which he ought to be paid. It increases the duties and responsibilities of the commander of the squadron, for which he ought to be compensated, and it gives some additional trouble and labor to the officers and crew, for which they ought to receive some benefit.

It has been the custom to divide the freight into three parts, of which one part has been given to the commander of the squadron, and the other two to the captain of the ship, thereby making the distribution the same as the shares in prize money; but there being no established rule, it depends altogether on the terms the commander of the squadron and the captain may be on, whether the custom shall continue. For my own part, I have never claimed any share, but it has invariably been paid to me voluntarily by the captains, from a sense of justice on their part.

The British regulations established by a proclamation of the King, dated 12th of July, 1819, copy of which I have the honor to submit to you, divides the amount of freight into four parts, one of which is paid to the commander of the fleet or squadron, two-fourths to the commander of the ship carrying the treasure and signing the bill of lading or receipt, and one-fourth to Greenwich Hospital, for the use of that institution.

This rule embraces every desirable object, and is founded on justice, as it gives to the one who has the greatest responsibility, the largest amount of compensation.

A similar rule might be adopted to advantage in our service, giving one-fourth to the navy pension fund, which should be received by the commander of the squadron, and which he should pay over to those appointed to receive it. As regards the rates of carrying freight, we have always been governed by those established by the proclamation above alluded to, wherein you will perceive a difference between the freight of treasures belonging to the crown, and of those belonging to other parties. In both cases there is great responsibility on the officer commanding, who is held answerable for the exact amount, and it is proper that he should receive an indemnity.

By the adoption of this rule as suggested, I should certainly be the sufferer in a pecuniary point of view; but a strict regard to justice, and a desire to reduce to rule what is now left to chance, which might, under other circumstances, jeopardize the harmony of the squadron, and occasion disputes, induces me to ask your early instructions on the subject.

I have the honor to be, with great respect, your very obedient servant,
(Signed) D. PORTER.

Hon. SECRETARY *of the Navy.*

I certify the above to be a true copy from the original.

CHAS. HAY, *Chief Clerk.*

U. S. SHIP JOHN ADAMS, *January* 14, 1824.

SIR: I have the honor to state, for the information of the Board of Navy Commissioners, that I shall put to sea with this ship, the Grampus, and the Sea Gull, on the 17th of this month. The Hornet is still in the hands of the officers of the yard, and it is uncertain when she will be ready. She is in want of one more chain cable, as the one intended for her was sent to the Peacock. There will be sufficient time for one to be made and sent to her before she leaves this place.

I have the honor to be, with great respect, your obedient servant,
(Signed) D. PORTER.

Hon. JOHN RODGERS, *President of the Board of Navy Commissioners, Washington.*

Copy of a letter from Com. David Porter to the Secretary of the Navy, dated—

U. S. SHIP JOHN ADAMS, *Norfolk, January* 20, 1824.

SIR: In reference to your letter of the 15th inst., enclosing one from Mr. Cambreleng, I have the honor to state that I dispatched the United States schooner Shark, on or about the 1st of this month, to cruise in the neighborhood of La Vera Cruz, Tampico, and Alvarado, until the 1st of March, for the protection of our commerce in that quarter, and to be relieved at that time by the United States brig Spark and schooner Weasel, which vessel sailed two days since, with instructions to scour the West Indies for piratical vessels, said to be out previous to going there.

The Spark will be relieved by the Grampus and another small schooner by the middle of May, and I shall give regular and constant protection to the persons and property of our citizens in the Gulf of Mexico, so long as I am honored with my present command, unless I receive orders from you to the contrary. I contemplate, by a constant routine, giving equal protection to our colony on the coast of Africa and guarding against the slave trade, provided it meets with your approbation.

I have the honor to be, with great respect, your obedient servant,

D. PORTER.

Hon. SAMUEL L. SOUTHARD, *Secretary of the Navy.*

Copy of a letter from Com. David Porter to the Secretary of the Navy, dated—

U. S. Ship John Adams, *off Havana, April* 8, 1824.

Sir: I have the honor to inform you, that, in my route to this place, I have touched at St. Bartholomews, St. Christopher, St. Thomas; examined the south coast of Porto Rico, looking in at the Dead Man's Chest and Ponce, two noted places for Porto Rico privateers; touching at Mona, St. Domingo, Beata, and Kingston, making diligent inquiries and examinations for piratical vessels, and offering convoy and protection to vessels of all nations from piratical aggressions.

In the course of this long route, although we have visited places formerly the rendezvous of pirates, and saw evidences of their having been recently there, we have not been so fortunate as to capture any, nor have we seen any vessels of a suspicious character, until two days since, when we pursued a small schooner which took shelter among the Colorados reefs, and, from every circumstance, there cannot be a doubt that she is a pirate.

I shall, as soon as I can place the vessels now under convoy in safety, hasten to Thompson's Island, to dispatch the barges and small vessels in pursuit, and hope, in a few days, to have her in possession.

It appears that an attempt has been made to revive, on the south side of Cuba, that system of piracy which had so long prevailed. The British have lost some men in attempting to suppress it, and the fortunate assemblage of a large British force at the Isle of Pines, has, I have been informed, caused a dispersion of the gang. Nothing but the presence of a strong and active force can keep them in order.

I have the honor to be, your obedient servant,

D. PORTER.

To the Hon. Samuel L. Southard, *Secretary of the Navy.*

Copy of a letter from Com. David Porter to the Secretary of the Navy, dated—

United States Ship John Adams, *Port Rodgers, Thompson's Island, April* 24, 1824.

Sir: I have the honor to transmit to you a copy of Captain Wilkinson's report of the expedition after the piratical schooner.

I shall immediately dispatch vessels to the coast of Yucatan, in pursuit of the vessel of which he gives information.

I have the honor to be, very respectfully,

D. PORTER.

Hon. Samuel L. Southard, *Secretary of the Navy.*

Matanzas, *May* 3, 1824.

Sir: I regret extremely to learn that a bill of exchange of 5,000 dollars, drawn during my absence, by Mr. T. A. Thornton, purser, in favor of Messrs. Castillo, Black and Company, and approved by Captain Wilkinson, has been returned protested, with seven hundred dollars expenses.

My fortunate arrival with funds, enabled the drawer to take up the bill, but in consequence of this protest, the credit of Navy bills, which sold for two and a half and five per cent. premium, has greatly suffered.

I shall endeavor to do with what funds I have, and can obtain, on my own credit, until I hear that the appropriation has been made for this year.

I have the honor to be, your obedient servant,

(Signed) D. PORTER.

Hon. Sam'l L. Southard, *Secretary of the Navy, Washington.*

I certify that the above is a true copy of the original on file in the Navy Department.

CHAS. HAY, *Chief Clerk.*

May 11, 1825.

Matanzas, *May* 4, 1824.

Sir: I have the honor to inform you that I have sent the Decoy to New York for stores, a list of which (copy enclosed) has been furnished to the commandant of the Navy yard.

I have also sent the Grayhound to New York to be coppered and repaired, as we have not mechanics on the station to do the work required. I beg leave to observe that a stationary force of five or six ship carpenters, ten joiners, four blacksmiths, three boat builders and twenty black laborers, could be very advantageously employed at Thompson's Island.

Such men cannot be shiped at the rendezvous; they must be got on the same terms as those employed at our Navy yards.

I beg, therefore, the Commissioners will cause me to be supplied with them.

I have the honor to be, your obedient servant,

(Signed) D. PORTER.

Hon. John Rodgers, *President of the Board of Navy Commissioners.*

SEA GULL, *Matanzas, May* 28, 1824.

SIR: I regret to be under the necessity of informing you, that the fever has made its appearance on the island, and that the inability of the acting surgeon's mate, in charge of the medical department there, to attend to his duty, from sickness, renders his return to the north necessary.

I have sent another to take his place, but this leaves us deplorably off for medical men.

I purpose removing the principal part of the forces to the north about the middle of next month, as the only means of guarding against the consequences of a deficiency of surgeons.

I have the honor to be, your obedient servant,

(No Signature.)

Hon. SAM'L L. SOUTHARD, *Secretary of the Navy.*

Copy of a letter from Com. David Porter to the Secretary of the Navy, dated—

U. S. GALLIOT SEA GULL, *Matanzas, June* 1, 1824.

SIR: I have the honor to enclose you a copy of a letter from Lieutenant Commandant John H. Lee, who was sent by me in pursuit of the pirate that escaped from Colorados. I shall not cease the pursuit, until I hear of his capture or destruction.

I have the honor to be, with great respect, your obedient servant,

D. PORTER.

Hon. SECRETARY *of the Navy.*

WASHINGTON, *June* 25, 1824.

SIR: I have the honor to inform you, that I arrived here yesterday, in the Sea Gull, from the coast of Cuba, in nine days, and shall be prepared to return to the West Indies so soon as the season will render it safe to do so, and my health, which requires a respite from the effects of a tropical climate, will admit.

My former communications have apprised you of my intention of removing most of the vessels under my command, to the north, during the sickly season. Orders have been given by me, on the subject, and every arrangement made, to give as much protection to our commerce as the force remaining on the station will admit.

I have purposed sailing from New York, and visiting in my way out, as heretofore, the windward islands, so soon as I can get a sufficient force together, and leaving a small detachment in the nighborhood of St. Thomas, for the protection of our commerce there, where it was asked for by our merchants, when I last visited that place.

The John Adams, it is probable, will require heaving out on her return, which will be in a week or two, which will leave me with only one sloop-of-war.

As the health of Captain Wilkinson required his return, I have left Lieut. Oellers in command at Thompson's Island, with full instructions as to the duties to be performed there; and I have left all necessary orders also for the commanders of such vessels as may arrive during my absence.

The island promises to be healthy this season. I have left about sixty officers and men there; but I am sorry to say, I had only a surgeon's mate to leave to attend them during the sickly season.

I have, during this season, greatly improved the comfort and condition of the island, and thereby lessened that repugnance to remaining there, which formerly existed among both officers and men.

I shall proceed to New York, in a few days, to hasten the dispatch of the stores, for the squadron and island, which are now preparing there, and which are much required.

If there are any instructions from the Department affecting my various duties, I shall be happy to be furnished with them, as early as possible.

I have the honor to be, sir, your most obedient servant,

(Signed) D. PORTER.

Hon. SAM'L L. SOUTHARD, *Secretary of the Navy.*

WASHINGTON, *July* 14, 1824.

SIR: I have the honor to submit to you the accompanying copy of a correspondence, on the subject of the sloop Cherub, and the vexations to which our commerce is subjected, in the Mexican port of Tampico.

I shall, as far as depends on me, endeavor to afford it every protection.

I have the honor to be, very respectfully,

(Signed) D. PORTER.

Hon. SAM'L L. SOUTHARD, *Secretary of the Navy.*

I certify the foregoing to be a true copy of the original on file in the Navy Department.

CHAS. HAY, *Chief Clerk.*

MAY 12, 1825.

Copy of a letter from Commodore David Porter to the Secretary of the Navy, dated—

WASHINGTON, *August* 9, 1824.

SIR: I have the honor to transmit you the enclosed copy and translation of a correspondence between Lieut. Commandant John Ritchie and the commandant of Tampico; and, in reply to your instructions of the 20th ultimo, requiring protection to the citizens of the United States engaged in commerce with that port, have to state that the Shark and two of the small schooners have been sent to the Gulf of Mexico, to afford the protection required.

This, under existing circumstances, is all the force which, at present, can be sent on that service. The sickly condition of some of the vessels that have returned to the United States, which has caused them to be placed under quarantine; the want of repairs in others; the revival of piracy about Cuba and elsewhere, and the reduced state of my squadron, from these and other causes, prevent my affording, with the means at my disposal, as much protection to the citizens of the United States engaged in commercial pursuits within the limits of my command, as I could wish.

I have the honor to be, with great respect, &c.,

DAVID PORTER.

HON. SECRETARY *of the Navy.*

Copy of a letter from Commodore David Porter to the Secretary of the Navy, dated—

WASHINGTON, *August* 10, 1824.

SIR: I have the honor to acknowledge the receipt of your letter of the 29th ult., enclosing a copy of a letter from W. Neilson, president of the American Insurance Company of New York, complaining of the capture of the Mercator, near the port of Matanzas, when some of our vessels of war were stationed there, reflecting on the government of Cuba for permitting the seizing of "numerous and valuable vessels and cargoes, sailing under our flag," charging it with connivance or imbecility, and justifying the government for taking decisive measures for the protection of our trade. I have also received your letter enclosing an application from the merchants of Matanzas, for further protection to our commerce in that port, as well as your letter of the 28th July, enclosing a copy of a letter from the master of the brig John, of Newport, recounting the circumstance of the robbery of that vessel near the harbor of Matanzas, asserting that there were no United States vessels on that side of the Island of Cuba, and stating that there had been six captures between Matanzas and Havana. In the various letters accompanying these statements, it is enjoined on me to use my efforts, and make such disposition of the force under my command, as will render piratical aggressions, of this description, less frequent, if it is possible. The whole history of my operations, in conjunction with the authorities of Cuba, against the pirates, renders any defence of my conduct, or the conduct of those under my command, against any imputations of neglect, from any quarter, unnecessary, as it is well known to the Department that we have been devoted to the inglorious service, sacrificing health, comfort, and personal interests, for the sole object of suppressing a system of long continuance, the existence of which was disgraceful to the civilized nations whose citizens and subjects were victims to it, and which the peculiar state of the government of Cuba, arising from the various changes in Spain, and the numerous facilities to piracy, arising from the nature of the population of the island, and various other causes, originating in the suppression of the slave trade, and progress of the South American revolutions, put it out of the power of the local authorities to suppress, without aid from other quarters, which was no sooner obtained, by our presence, than the most zealous co-operation was commenced on the part of the government of Cuba, which has ever since continued, and has changed, entirely, the character of piracy from the bloody and remorseless manner in which it was conducted, to simply plundering of property, and the means from large cruising vessels, to open boats. This latter mode of carrying on their depredations, renders it extremely difficult to detect them, and is calculated to baffle the efforts of the most vigilant, from the ease with which they are enabled to possess themselves of boats along the coast of Cuba, the certainty of being enabled to escape to the unsettled coasts of the island, and the certainty, for some hours, in the early part of every day, that merchant vessels may be found, becalmed, near the land.

Nothing but resistance on the part of those who call on us for protection, can put down the present system; and from the small force employed by them, the mere show of resistance, in a few instances, is all that is required. We have seen it stated, that one of the vessels robbed was taken possession of by a boat with seven men, and plundered, the crew beaten, and confined below. Surely, sir, blame should not be attached to us, or to the government of Cuba, for the dastardly conduct of those who, with the most ordinary means of defence, which every merchant vessel affords, could permit such an act; as well might this, or any other government, be charged with imbecility, and its officers with neglect, for not detecting every highway robber, housebreaker, incendiary, or counterfeiter. The charge of imbecility must rest on those who fail to defend themselves against their petty aggressions, and the cause is attributable, almost entirely, to the parsimony of the owners, who fail to furnish a few weapons to put into the hands of the crew of vessels destined to Cuba.

Those robberies are committed most frequently by the persons employed in loading the vessels, who are well acquainted with their destitution of fire arms at the time of sailing.

I have taken the liberty of enclosing you reports from Lieutenant McIntosh, the commandant of Thompson's Island, by which you will perceive that every vigilance has been exercised by him in endeavoring to recapture the vessels taken, and punish the offenders; that at the very time that William Norris states that no United States vessels were on the north side of Cuba, the Terrier, Lieutenant Paine, and Diableta, were cruising there, and I have also to state, that the Ferret, Lieutenant Farragut, was on that coast and had been, daily, (until a few days previous,) employed in giving convoy in and out of the harbor, sometimes with his vessel, and sometimes with his small boats. I have further to state, that the John Adams, corvette, the brig Spark, the schooner Grampus, the Jackal, Weasel, and the Beagle, have, a short time since the date of Mr. Norris' letter, all visited the coasts and ports of Cuba, zealously

employed in the protection of our commerce, in the performance of which duty, I regret to state, that Lieutenants Montgomery and Cumming, with several others, have fallen victims.

The reports of Captain Dallas, Lieutenant Commandants Newton, Sloat, Lee, and Zantzinger, and Acting Lieutenant Farragut, with which you have already been made acquainted, will show the arduous duties they have performed; and the report of Acting Lieutenant Pinkham, the successor of Lieutenant Commandant Montgomery, will show the result of his arduous, useful, and disastrous cruise. There is, at this time, on the coast of Cuba, and on their way there, the ships Hornet and Decoy, the schooners Shark, Wild Cat, and Terrier, and six barges; and, in a short time, the force will be augmented by the departure of others of the schooners, large and small. The charge, then, or intimation in any shape, of neglect, on the part of myself or officers, to the interest of the merchants, who have no feeling but for their own pecuniary concerns, is, as you perceive, unfounded. It is true, that warned by the dreadful mortality of last year, and by approaching disease, I left the West Indies, and ordered home the greater part of the force under my command; and the only cause of regret to me now is, that I did not remove them earlier, by which many valuable lives would have been saved, and that there should be a necessity for their return at this unfavorable season, which will undoubtedly cause the death of more.

I beg you to excuse my going so much into detail, but as the frequent applications to the Department, from the merchants concerned in the Matanzas trade, for protection, might induce the belief of neglect on my part, I have felt that this explanation is necessary.

I cannot conceal from you, however, my mortification at their conduct, after the devotion we have all shown to their *particular* interests, which entitled us to their warmest gratitude.

I have the honor to be, with great respect, your obedient servant,

D. PORTER.

The Hon. SAM. L. SOUTHARD, *Secretary of the Navy.*

WASHINGTON, *October* 13, 1825.

SIR: I have the honor to report to you, the arrival here of the United States schooner Fox, Lieutenant Commandant Ritchie, from the coast of Mexico, via Thompson's Island, and that she brings accounts as late as the 25th of September.

At the time of her leaving the island, no information had been received of the U. S. schooner Wild Cat, under the temporary command of Midshipman Booth, who left Havana on the 25th August, to proceed to Thompson's Island; there can be no doubt, therefore, from the violent gales experienced, of the loss of this vessel, her officers and crew.

The situation of the island was truly alarming at the last date. Four deaths had taken place the day previously, and one on the day of the report: the whole number from the 20th to the 25th, eight, including one surgeon's mate.

Should no change take place for the better, it only remains for the officer in command to remove from the island (which, from the confidence I have in his discretion, and the means he at all times has at command, in the wreckers and other vessels which daily touch there,) I have no doubt will be done, whenever he may deem it necessary.

I flatter myself with the hope of making the island more healthy next season, by the improvements at present proposed, to wit; filling up the ponds, and clearing away the woods; and if this should not succeed, the abandonment of the island must necessarily follow.

I have the honor to be, your obedient servant, D. PORTER.

Hon. SECRETARY *of the Navy.*

WASHINGTON, *October* 16, 1824.

SIR: I have the honor to report, in conformity with your orders of the —— December, 1823, the amount of moneys carried in the vessels under my command, since that period.

John Adams, Captain Dallas, from Tampico for Philadelphia	$70,000
Spark, Lieut. Commandant Newton, from Havana for New York	80,000
Shark, Lieut. Commandant Stevens, from Tampico for New York	102,000
Weasel, Lieut. Commandant Zantzinger, from Tampico for New York	127,000
Fox, Lieut. Commandant Ritchie, from Tampico for Havana	17,000
Fox, Lieut. Commandant Ritchie, from Tampico to the United States	3,000
Total amount,	$399,000

The average amount of freight for carrying which is 1¼ per cent.

I have the honor to be, very respectfully, your obedient servant,
(Signed) D. PORTER.

Hon. SAMUEL L. SOUTHARD, *Secretary of the Navy, Washington.*

I certify the above to be a true copy of the original.

CHAS. HAY, *Chief Clerk.*

NAVY DEPARTMENT, *May* 10, 1825.

Extract of a letter from Commodore David Porter to the Hon. Secretary of the Navy, dated—

WASHINGTON, *October* 22, 1824.

I have received your letter of yesterday, and shall proceed to sea in the John Adams, with the least possible delay. The ship will be at Newcastle by the time I reach there. I enclose orders for the officer who may take out the Constellation.

U. S. SHIP JOHN ADAMS, *Passage Island, November* 15, 1824.

SIR: I have the honor to inform you, that on my arrival at St. Thomas, I was informed that Lieutenant Commandant Platt, of the U. S. schooner Beagle, who had visited Foxardo, a town on the east coast of Porto Rico, about two miles from the sea, for the purpose of making inquiries respecting a quantity of dry goods, supposed to have been deposited there by pirates, was, after being recognized as an American officer, by the proper authorities there, imprisoned and shamefully treated.

Indignant at the outrages which have so repeatedly been heaped on us by the authorities of Porto Rico, I proceeded to this place, where I left the ship, and taking with me the schooners Grampus and Beagle, and the boats of the John Adams, with Captain Dallas and part of his officers, seamen, and marines, proceeded to the port of Foxardo, where, finding preparations were making to fire on us from the battery on shore, I sent a party of seamen and marines to spike the guns, which was done in a few minutes, as the Spaniards fled on the landing of t e party. I then landed with two hundred men, and marched to the town, spiking, on the way, the guns of a small battery, placed for the defence of a pass on the road, and reached the town in about thirty minutes after landing. I found them prepared for defence, as they had received information from St. Thomas of my intentions of visiting the place. I halted about pistol shot from their forces, drawn up on the outskirts of the town, and sent in a flag, requiring the alcalde or governor, with the captain of the port, the principal offenders, to come to me to make atonement for the outrage—giving them one hour to deliberate. They appeared accordingly, and after begging pardon, (in the presence of all the officers,) of the officer who had been insulted, and expressing great penitence, I permitted them to return to the town, on their promising to respect all American officers who may visit them hereafter. We then returned to the vessels, and left the harbor, after being at anchor three hours.

As we were getting under way, a number of persons appeared on the beach, bearing a white flag, and having with them some bullocks, and a number of horses, apparently laden—no doubt a present from the authorities of the place, which they informed me they should send me.

There is no doubt that our persons and our flag will be more respected hereafter, than it has been by the authorities of Porto Rico.

Every officer and man, on this occasion, conducted themselves in a manner to meet my entire approbation.

I have the honor to be, &c.,
(Signed) D. PORTER.

Hon. SAMUEL L. SOUTHARD, *Secretary of the Navy.*

I certify that the above is a true copy of the original on file in the Navy Department.
CHAS. HAY, *Chief Clerk.*

MAY 12, 1825.

WASHINGTON, *March* 8, 1825.

SIR: The officers named in the enclosed list will be necessary as witnesses to enable me to repel, in a suitable manner, the foul charges of Mr. Thomas Randall and Mr. John Mountain, and the injurious insinuations and assertions on the floor of Congress, against myself and the officers under my command.

Understanding that vessels, having some of them on board, are about sailing, I beg that they may be detained, provided it can be done without injury to the public service.

I have the honor to be, very respectfully, your obedient servant,
(Signed) D. PORTER.

Hon. S. L. SOUTHARD.

NAVY DEPARTMENT, *May* 11, 1825.

I certify that the above is a correct copy from the original on file in this Department.
CHAS. HAY, *Chief Clerk.*

Captains.—Stephen Cassin, A. J. Dallas, Wm. B. Finch, L. Kearney, T. H. Stevens.
Lieutenants.—C. W. Skinner, J. T. Newton, F. H. Gregory, Silas Duncan, J. P. Zantzinger, C. H. Bell, C. Boarman, R. Voorhees, C. K. Stribling, D. G. Farragut, J. G. Boughan.
Purser.—F. A. Thornton.

GENERAL INSTRUCTIONS.

Having been appointed to the command of the squadron, fitted out under an act of Congress of the 20th of December last, to cruise in the West India seas and the Gulf of Mexico, for the purpose of suppressing piracy, and affording effectual protection to the citizens and commerce of the United States; and to the command of all the United States ships and vessels of war in the West Indies, fitted out for

the aforesaid objects, and for the suppression of the slave trade, it becomes my duty (in order that a perfect understanding may be had by those under my command of the extent of the authorities to be exercised by them in case of separation, or in case of being detached on special service) to point out briefly to them the conduct to be pursued under particular circumstances, and in doing so, shall confine myself to existing laws, and the instructions of the honorable Secretary of the Navy; and it is hoped that in no case these orders will be exceeded, without my sanction first being obtained.

First, then, with regard to piracy. On this subject there has been three several acts—that of March 3d, 1819; of May 15th, 1820; and that of the 20th December last, authorizing the additional force of schooners, &c.

The second section of the act of March 3d, 1819, authorizes "to subdue, seize, take, and send into any port in the United States, any armed vessel or boat, or any vessel or boat, the crew whereof shall be armed, and which shall have *attempted* or *committed* any piratical aggressions, search, restraint, depredation, or seizure, upon any vessel of the United States, or the citizens thereof, or upon any other vessels."

From the generality of this latter description of vessels, it would seem to embrace those of every nation or country upon which any piratical aggression may have been committed. Admitting the act might be extended thus far, it does not appear to be the general object of the law, and it was thought by the President most advisable at one time, not to give it a like indiscriminate practical construction, as to all vessels. The great object, as pointed out in the first section of the act, was to protect the merchant vessels of the United States from piratical aggression. This will, therefore be considered a particular and special duty. If, however, there shall be discovered depredations on other vessels, committed under such gross and aggravated circumstances as to leave little doubt of their piratical character, it will be a duty then to capture and bring in the aggressors. It is thought most advisable thus to distinguish in these instructions, because, among other considerations, it will be seen that, under the second section of the act, authority is only given to retake vessels of the United States, or its citizens, which may have been unlawfully captured on the high seas; no positive authority is given by it to retake the vessels of any foreign nation or country. It will also be perceived that, under this section (2d) of the act, authority is only given to "subdue, seize, and take" such vessels or boats, &c., as shall have attempted or committed some piratical aggression.

Whatever well grounded suspicions may be entertained that a vessel may have been fitted out, and is intended to be employed in such depredations, the act does not authorize her molestation, unless there is satisfactory evidence that she has either *attempted* or *actually committed* some piratical aggression on some merchant vessel of the United States or her crew, or upon some other vessel under the special circumstances above mentioned.

This, by this act, must be considered an important and leading regulation, as it will be a strong and almost controlling circumstance (considering we are at peace with all the world), in making up a judgment whether it would be safe and justifiable to treat them as pirates. Whenever, therefore, boats or vessels shall be found, the crews whereof have committed any actual violence, outrage, or depredation upon any vessels of the United States, or citizens thereof, or any other vessel, as above mentioned, it is to be sufficient to authorize their being "subdued, seized and taken," and unless it should satisfactorily appear that they were acting under some lawful authority, and not piratically, they are to be sent in for adjudication. The act of May 15th, 1820, continues in force the act of March 3d, 1819, and makes further provision for punishing the crime of piracy. The third section of this act declares as pirates any person who shall, upon the high seas, or in any open roadstead, or in any haven, basin, or bay, or in any river where the sea ebbs and flows, commit the crime of robbery in or upon any ship or vessel, or upon any of the ship's company of any ship or vessel, or the lading thereof; such person shall be adjudged to be a pirate, and the penalty death, on conviction before the circuit court of the United States.

The fourth and fifth sections make it piracy for any citizen of the United States to be engaged in the slave trade, and the penalty on conviction before the Circuit Court of the United States, death. This act is more extended than the former in its definition of the act of piracy, but in no part (except in continuing in force the former law,) authorizes capture by the armed vessels of the United States. The high and delicate power, therefore, vested in the President by the act of March 3d, 1819, which authorizes and requests him to employ so many of the public armed vessels as in his judgment the service may require, with suitable instructions to the commanders thereof, in protecting the merchant vessels of the United States and their crews from piratical aggressions and depredations, has been resorted to and exercised for the purpose of more clearly defining the duties to be performed. The trust reposed in me is one of a peculiarly delicate character; for while it is made my duty to protect our commerce against all unlawful interruptions, and to guard the rights both of person and property of the citizens of the United States, whenever it shall become necessary, it is enjoined on me not to encroach on the rights of others; and whatever discussion or collision I may have with any foreign power in relation to such rights, I am bound to conduct it with as much moderation and forbearance as is consistent with the honor of my country, and the just claims of its citizens.

The system of piracy, from whatever cause it may have originated, is of considerable extent; and from the population of the Spanish islands, which cannot enforce the authority of the government, establishments have been made by parties of those banditti in the uninhabited parts, to which they carry their plunder, and retreat in time of danger. It cannot be presumed that the government of any island will afford any protection or countenance to such robbers. It may, on the contrary, confidently be believed that all governments, and particularly those most exposed, will afford all means in their power for their suppression.

Pirates are considered by the laws of nations the enemies of the human race. It is the duty of all nations to put them down—and none who respect their own character or interest will refuse to do it, much less afford them an asylum and protection.

The nation that makes the greatest exertions to suppress such banditti, has the greatest merit. In making such exertions, it has a right to the aid of every other power, to the extent of its means, and to the enjoyment under its sanction of all its rights in pursuit of the object. In the case of belligerents, when the army of one party enters the territory of a neutral power, the army of the other has a right to follow it there; in the case of pirates, the right of the armed force of one power to follow them into the territory of another is more complete.

In regard to pirates, there is no neutral party; they being the enemies of the human race, all nations are parties against them, and may be considered as allies. The object and intention of our

government is to respect the feelings as well as the rights of others, both in substance and in form, in all the measures which may be adopted to accomplish the end in view. Should, therefore, the crews of any vessel seen engaged in acts of piracy, or which there is just cause to suspect of being of that character, retreat into the ports, harbors, and settled parts of the islands, you may enter, in pursuit of them, such ports, harbors, and settled parts of the country for the purpose of aiding the local authorities or people, as the case may be, to seize and bring the offenders to justice, previous notice being given that this is the sole object. When a government exists and is felt, the local authorities must in all instances be respected, and every act must be in aid of and in co-operation with them; it being the exclusive purpose of the Government of the United States to suppress piracy, an object in which all nations are equally interested, and in the accomplishment of which, the Spanish authorities and people will, it is presumed, cordially co-operate with us.

If, in the pursuit of pirates found at sea, they shall retreat into the unsettled parts of the islands or foreign territory, liberty is given to pursue them, so long only as there is reasonable prospect of being able to apprehend them; and in no case are we at liberty to pursue and apprehend any one after having been forbidden so to do by competent authority of the local government; and if on such pursuit any pirates should be apprehended on land, they are to be given over to the proper authorities, to be dealt with according to law; and all the evidence that can be furnished, is to be given in proof of the offence alleged against them. Should the local authorities refuse to receive and prosecute such persons, so apprehended, on reasonable evidence being furnished them of their guilt, they are then to be kept safely and securely until information on the subject can be communicated to me.

Great complaints have been made to the government of the interruption and injury to our commerce, by privateers fitted out from Spanish ports; great discretion is required in giving to our vessels necessary protection against their aggressions, without infringing on the rights of the belligerents. We know not how far they have been authorized and instructed to intercept our trade with Mexico and the Colombian republic; but, according to the well settled rules of the laws of nations, the United States will not consider any portion of the coast upon the Gulf of Mexico as legally blockaded, except where a naval force is stationed sufficient to carry into effect the blockading order or decree; and our government does not recognize the right or authority of Spain to interdict or interrupt our commerce with any portion of the coast included within the Colombian republic or Mexican government, not actually blockaded by a competent force.

Hence, it is but reasonable to infer that to arrest our vessels, employed in lawful trade, from the fangs of the numerous privateers which have lately been fitted out from Porto Rico, and to "subdue, seize, take and send into any port" these depredators on our commerce, would be right and proper; but, in doing this, great discretion and prudence must be exercised, and the fact must be clearly ascertained that they come within the provisions of the second section of the act of March 3d, 1819.

By recent decisions of our courts and officers, competent to decide, and by the wording of the fifth section of the act of March 3d, 1819, it would appear that piracy may be committed by vessels legally authorized to cruise and engage in mercantile pursuits, and that the persons alone committing the act, are responsible for the same. I allude particularly to the Pancheta, sent in by the Grampus, some of the crew of which were imprisoned, to be tried for piracy, and the vessel liberated by decision of the judge; and to the Ninfa Catalina, sent in by the Spark for an act of piracy on a former voyage. The vessel and cargo, immediately on her arrival in the United States, were restored to the owners, part of the crew liberated, and those who committed the act only confined for trial. I might cite other cases to justify the opinion I entertain as to the course proper to be pursued to effect the object of our expedition, with the least possible injury to those not implicated in the crime—but these will suffice.

In the first case cited, the decision of the judge justifies the conduct of the capturing officer, and in the other case the law would seem equally to authorize her being "subdued, seized, taken," &c., &c. The language of the fifth section of the law above cited, is as follows: "And be it further enacted, that if any *person* whatsoever, shall, on the high seas, commit the crime of piracy, as defined by the laws of nations, and such offenders shall afterwards be found and be brought into the United States, any such offender or offenders, shall, on conviction thereof before the circuit court of the United States, for the district into which he or they may be brought, or in which he or they shall be found, be punished with death."

But it does not appear to me to be necessary, in order to the attainment of justice, that the innocent should suffer for the guilty. If the ship is not answerable for the acts of the crew, there can be no necessity or propriety in sending in the ship for adjudication; because by so doing, injury is brought on the owners, the innocent party, and to us they look for indemnity, who have no other appeal than to the liberality of our country.

But piracy must be punished, and we are bound by the second section of the act of March 3d, 1819, to "subdue, seize, and take" all vessels which commit it, and after we have done so, and it is found that the vessel committing the act is a legally authorized cruiser, the most that it would seem proper to do on the occasion, would be, to take from on board her the persons committing the act, and send them to the United States for trial.

For the same principle that would justify their capture on land, will apply with equal propriety to their seizure on board ships on the ocean, and perhaps, if any competent authority should be near at hand, it would be equally proper to deliver them up to it, with proofs of their guilt, on a pledge that they shall be brought to trial; but on a refusal to give such pledge, they must be reported to me, with as little delay as possible.

The next subject to which attention is to be directed, is the suppression of the slave trade, and it is expected that the utmost vigilance shall be exerted, in order that this inhuman practice may be put down. By the act of the 20th of April, 1818, it is made unlawful to import, or bring, in any manner whatsoever, into the United States, or the Territories thereof, from any foreign place, any person of color, with intent to hold, sell, or dispose of such person as a slave, or to be held to service.

By this act it is also made unlawful for any citizen of the United States, or other person, to build, equip, load, fit, or otherwise prepare any ship or vessel in any port or place within the jurisdiction of the United States, or to cause any ship or vessel to sail from any port or place whatsoever within the jurisdiction of the United States, for the purpose of procuring and transporting any such slaves to any port or place whatever; and any ship or vessel employed in such importation of slaves, or so built or fitted out or prepared, is liable to be seized and forfeited.

And by the act of third March, 1819, the President is authorized to employ any of the armed vessels of the United States to cruise in such places as he may think proper, where he may judge attempts may be made to carry on the slave trade by citizens of the United States, or residents thereof, in contravention of the acts of Congress prohibiting the same; and to instruct such armed vessels to seize, take, and bring into any port of the United States, to be proceeded against according to law, all ships or vessels of the United States, wheresoever found, which may have taken on board, or which may be *intended* for the purpose of taking on board or of transporting, or *may* have transported any person of color, in violation of any provisions of the act of the 20th of April, 1818, above referred to, or in violation of any other act or acts prohibiting the traffic in slaves. From the generality of the provisions of the slave acts, authority is given to take and bring into port all vessels of the United States which *may have been in any* manner employed or intended to be employed in the slave trade, or any other vessel *which may be employed in the importation of slaves into the United States.*

It will be observed that the first provision applies only to vessels of the United States; the second applies to vessels of every nation. The rest of the laws go to explain the manner of disposing of the slaves and persons taken in the trade, prescribe the punishment to the offenders, and the bounty to the captors.

It will be sufficient, therefore, that the capture should be made under the foregoing circumstances, and that reference should be had to me for instructions as to the disposal of the vessels, slaves, and offenders, and to the laws for a final decision.

There is one thing that must be particularly observed: it is not to be considered in these general instructions for the suppression of the slave trade, that authority is given at any place out of the waters of the United States to search, capture, or in any manner whatever to interrupt vessels under any other than the American flag.

As regards the recapture of vessels which may be found in the hands of pirates, and not belonging to the United States: although there are no laws which authorize our rescuing them from the fangs of those monsters; and, although the President has given no positive instructions on this head; still, as humanity obviously calls on us to exercise the power, having the means in our hands, (as it is a duty implied by instructions subsequently given to me, by the measures adopted for the suppression of piracy, and as it is enjoined on me by the government to harmonize and co-operate with the forces of any other power engaged in the same pursuit with ourselves, thereby showing a common interest,) I will take on myself to supply the omission, as it certainly is one, by authorizing the act whenever it may become necessary.

All vessels therefore, of any nation whatever, found in the possession of pirates, may be taken from them as though they belonged to the United States, and as though their recapture was provided for by the laws for the suppression of piracy, and by the most positive instructions of the government.

These instructions, although swelled to an unusual length, are rendered as concise as the subject would admit of, to enable me to inform you fully as to the views of the government.

We have a very delicate duty to perform; and with full confidence in the discretion of those I have the honor to command, I hope it may be fulfilled to the entire satisfaction of our country, to our own honor, and to the honor and general interest of the navy.

In time of actual warfare between nations, there can be no difficulty in discriminating between right and wrong, but the service on which we are engaged requires the exercise of our soundest judgment; and in proportion to the difficulty of discriminating will be the merit of doing what is proper.

The eyes of the world are on us, and while we must not fail in energy, we must not want in circumspection.

(Signed) D. PORTER.

U. S. Ship Peacock, *February* 26, 1823.

[Circular.]

I am directed by the honorable Secretary of the Navy, to assure the officers and men of the squadron I have the honor to command, of the consideration in which their services, on their recent expedition against the pirates of the West Indies are held, and the high sense entertained of their devotion to a most arduous and dangerous service, wherein a vigor has been displayed which has effectually arrested the depredations of the freebooters, afforded security to our trade, and justly entitles them to the unqualified approbation of the Navy Department, and the thanks of their country.

(Signed) D. PORTER.

Washington, *October* 29, 1823.

GENERAL ORDERS AND INSTRUCTIONS FROM COMMODORE PORTER TO THE SQUADRON UNDER HIS COMMAND.

General order.

The duties of captain to the squadron, are hereafter to be performed by Master Commandant Finch, who will execute all the duties comprised in the "Regulations and instructions for commanders of squadrons or divisions of ships of the United States navy," page 19 of the Rules, regulations, and instructions, for the naval service of the United States, prepared by the Board of Navy Commissioners of the United States, with the consent of the Secretary of the Navy, in obedience to an act of Congress, passed 7th February, 1815, entitled An act to alter and amend the several acts for establishing a Navy Department, by adding thereto a Board of Commissioners.

A general order book is to be kept by the captain to the squadron, into which all orders of a general character are to be copied, and from which copies may be obtained by every officer under my command.

(Signed) D. PORTER.

Washington City, *November* 3, 1823.

General order.

The Hornet, Grampus, Spark, and Shark, now at Norfolk, are to be got ready for sea, with all possible dispatch, and are to rendezvous in the [vicinity] of Craney Island, where I shall join them soon with the rest of the vessels of the West India squadron in the United States. It is hoped that all will be ready to sail on the 15th of this month.

(Signed) D. PORTER.

WASHINGTON CITY, *December* 1, 1823.

Circular to commanders of vessels in the West Indies and Gulf of Mexico.

U. S. SHIP JOHN ADAMS, *Craney Island, December* 30, 1823.

SIR: No ship or vessel, under my command, is allowed by me to take on freight any treasure, of any description, without special instructions from me; which, when necessary and proper, will be issued in conformity with those I have received on the subject from the honorable Secretary of the Navy.

Very respectfully, your obedient servant,

(Signed) D. PORTER.

General order.

All the small schooners, now at Matanzas and Havana, and cruising on the coast of Cuba, are to repair to this place with all possible dispatch.

(Signed) D. PORTER.

THOMPSON'S ISLAND, *April* 12, 1824.

Circular to commanders.

The Secretary of the Navy has been instructed by the President to inform me that it is his wish that I should not attempt to break any blockade sustained by force; but, when I am prevented from entering a blockaded place, to immediately make report thereof, with the circumstances attending it, to the Navy Department. He has also been instructed to urge upon me the cultivation of the best personal and national feelings in my intercourse with all the officers of other nations, with whom I may meet, and to enjoin the same upon those under my command.

With these wishes and injunctions you will please to comply, making, if necessary, reports to me for the information of the Secretary of the Navy.

Very respectfully your obedient servant,

(Signed) D. PORTER.

WASHINGTON, *July* 15, 1824.

Circular.

WASHINGTON, *August* 16, 1824.

SIR: Application has frequently been made to the Navy Department, by individuals, to give convoy to belligerent ports; and, on considering the subject, it has been deemed advisable not to confine our protection to particular cases, on the applications of individuals, but to make it of a general principle, and given to all alike. This is necessary to guard against any infringement of the rights of belligerents, as regards blockades and contraband of war; the first of which is in no case to be violated, and the second is never to be protected. Upon these principles our public ships should never give convoy to our merchant vessels to the ports of either of the belligerents without a perfect knowledge that they had no contraband articles on board, nor are they ever to be protected against a blockading force when warned off.

You will, therefore, take under your protection such vessels as may offer for convoy on your route, governing yourself by the foregoing general principles, and the orders and instructions heretofore given.

Very respectfully, your obedient servant,

(Signed) D. PORTER.

To the COMMANDERS *of the Squadron.*

Extract from a general order, dated—

NORFOLK, *November* 8, 1823.

All the ships and vessels of the squadron under my command, now at Norfolk, are to be removed to Washington, with all possible dispatch, where their repairs, equipments and supplies are to be completed with as little loss of time as possible.

(Signed) D. PORTER.

SPECIAL INSTRUCTIONS TO DIFFERENT OFFICERS, AND THEIR REPORTS.

U. S. Ship Peacock, *Thompson's Island, April* 5, 1823.

Sir: You will proceed with the schooners the Fox and the Jackal, and the two cutters Gallinipper and Musquito, to examine the coast of Cuba, from Havana down to Cape Antonio, in the neighborhood of which place I expect soon to join you.

You will please to govern yourself by my general instructions, as to the course to be pursued in the pursuit of pirates.

Wishing you a pleasant and successful cruise,

I am, with sincere respect, your obedient servant,

(Signed) D. PORTER.

Captain Stephen Cassin.

Captain Cassin to Commodore Porter.

U. S. Schooner Fox, *off the Havana, April* 9, 1823.

Sir: Agreeably to your orders of the 5th instant, I proceeded with the schooners Fox and Jackal, and the barges Gallinipper and Musquito, off this harbor, and dispatched Lieut. Commandant Stephens, in his small boat, into the port. On his approaching the Moro, he was ordered by the guard to return, as his boat would not be permitted to enter; but that his schooner might. As it was important that we should communicate with the consul, I ordered the Jackal into the harbor for that purpose. She was suffered to pass; and returning brought an urgent request from Mr. Warner, and the entreaty of numerous merchants and ship-masters, to afford convoy to eight or ten American vessels, then ready to sail, they having been waiting a convoy a considerable time—such was the alarm created by piratical depredations, many atrocious acts having been committed in the very mouth of the harbor, and one only the evening before our arrival, by the noted schooner Pilot. Captain Stephens also informed me that this pirate was then supposed to be in Escondido, or Hidden Harbor. Under these circumstances, I thought myself justifiable in giving convoy, and sent Captain Stephens in to make known to vessels of all nations that I would afford them protection as far as the gulf, and proceed with them at daylight on the 7th.

On a belief of finding the pirates, I dispatched Lieutenant Stribling in the Gallinipper, accompanied by the Musquito, Lieutenant Kelly, of the Fox, at 7 o'clock in the evening, to Escondido. On the morning of the 8th I fell in with the Wild Cat and Beagle, who had been run off their cruising ground in chase of the pirates; but lost sight of them during the night. As it would not be detaining those vessels more than a few hours, I determined to keep them with the convoy until well off from the land, and run in myself with the Jackal and pick up the barges. At 6 o'clock on the 8th, I received a large fleet of vessels of several nations, who claimed our protection, and proceeded with them to windward. At three o'clock in the afternoon discovered the barges returning, with a stranger in company, which proved (very much to my satisfaction) to be the noted schooner *Pilot*, which was taken by our barges, after a long running fight; for the particulars of which, I refer you to the report of Lieutenant Stribling.

I directed the Wild Cat and Beagle to continue with the convoy until morning; the Wild Cat then to return to her station, and Beagle to return to Matanzas for your dispatches, and proceed with them to Thompson's Island. I called in the Jackal and barges, and with the prize stood in for the Moro.

As the Pilot will be of considerable importance to the expedition, I shall keep her with me, and have made the necessary arrangements, and this evening will proceed from this on my cruise.

As I believed it would have a good effect, I sent the prize into Havana, to show her, and to get a little water.

I am, very respectfully, your obedient servant, S. CASSIN.

Commodore D. Porter.

U. S. Ship Peacock, *Allenton, April* 10, 1823.

Sir: I have determined to change my plan, and go to windward with the Sea Gull and barges. You need not, therefore, be governed by my movements. I should wish for you, if your provisions will last, to go as far as Trinidada, on the south side of Cuba, where some piracies have been committed.

Very respectfully, your obedient servant,

(Signed) D. PORTER.

Captain S. Cassin, *U. S. Navy.*

Captain Cassin to Commodore Porter.

U. S. Ship Peacock, *Thompson's Island, April* 28, 1823.

Sir: I had the pleasure to inform you, by a sloop from the Havana, bound to this place, on the 10th instant, of the successful beginning of my cruise, by the capture of the piratical schooner Pilot. After having shown the Pilot in Havana, and obtained a small quantity of water, I proceeded with the division to Cayo Blanco. We entered within the reef, and proceeded westward, making an average of about twenty miles per day, leaving no bay, inlet, or suspicious place, unexplored. On the 16th, a sloop boat was observed standing to the eastward. The Musquito was ordered in chase; the sloop directly altered her course for the land, was run on shore, and abandoned by her crew, who escaped into the bushes. She was found to have arms of different descriptions, shot, and other articles of a suspicious nature, which satisfied me of her piratical character; and I took possession, with an intention to destroy her, as she was rotten, and an encumbrance to us.

At 10 A. M., on the same day, we anchored in a noted harbor for pirates, intending to examine it thoroughly. Our anchor was scarcely gone before a felucca was discovered standing out for the Gallinipper, who was ahead sounding. On opening our vessels, she immediately hauled down her sails, and pulled around the point of an island. The barges were ordered in chase, accompanied by all the boats we could muster. On their getting to where the felucca had disappeared, several houses were discovered, and a number of men busily employed carrying things from them, and, at the moment, were supposed to be fishermen. It was some time before the felucca was discovered, and, when found, was dismantled and covered with bushes, hastily thrown over.

When the pirates (which they proved to be,) found she was discovered, they fired a volley of musketry at our boats, which fortunately proved harmless. The officers and crews immediately landed, and pursued them through the bushes, when a running fight of more than half a mile took place, the pirates frequently turning for a moment and firing, which was returned occasionally, but without effect, from the eagerness with which they were pursued. So closely were they pressed, that they threw off shoes, clothes, and other incumbrances; but, from the thickness of the bushes, and knowledge of their path, all made their escape. Their establishment, which consisted of five houses, was set on fire, and the felucca brought off. She is a fine boat, coppered, pulls sixteen sweeps, and is, in every respect, equal to any of our barges. She appears to have been recently fitted, and I presume was on the eve of making her first cruise. The old boat, which was taken in the morning I gave to a fisherman who was serviceable to us as a pilot, she being an incumbrance.

On the 17th we proceeded, examining all places very minutely, and from the intricacy of the navigation, did not arrive at Cape St. Anthony until the 21st. From the moment we passed within the reef until getting to the cape, we were obliged to keep the barges ahead, sounding. The vessels were all trimmed by the head, and every precaution taken, yet we frequently grounded. Many places, for several miles, we found only seven feet water, and frequently less than six, when we were obliged to run out anchors, and heave through the mud. I learned on the passage, from the fishermen, that the English attempted the same, but succeeded only part of the way. I also found the British sloop Scout cruising off the Cape, from the commander of which we learned they had numbers cruising in that quarter, and on the south side.

The passage within the Colorados, from beginning to end, I found extremely intricate; but I am much gratified by knowing we are the first who accomplished it. We suffered much for water, and the small quantity we were enabled to obtain was such as I apprehended would create disease amongst us. And, for the successful termination of the cruise, I tender to Lieutenants Commandant Stevens and Vallette, Lieutenant Stribling, and their officers, my sincere thanks.

I have the honor to be, very respectfully, &c.,

S. CASSIN.

Commodore DAVID PORTER, *commanding U. S. Naval Forces in the West Indies.*

U. S. GALLIOT SEA GULL, *Allenton, May* 7, 1823.

SIR: You will proceed with the United States ship Peacock to Havana, and there complete your provisions for three months.

You will then proceed to La Vera Cruz, for the protection of our commerce in that quarter and about Tampico, where you will take on board specie on the usual freight to be transported to the United States; and when you have completed your cargo, or got all you can, you will leave there, touching at this place for further orders.

Very respectfully, your obedient servant,

(Signed) D. PORTER.

Captain S. CASSIN.

SEA GULL, *May* 11, 1823.

SIR: On your arrival at La Vera Cruz, you will please to correspond with Mr. John Mason, who is now in Mexico, on the subject of the transportation of specie, and act understandingly with him; moving between La Vera Cruz and Tampico, as circumstances may make necessary, and touching at such by ports as you may think proper, in order to facilitate the taking on board money.

Wishing you a pleasant and profitable cruise,

I am, with respect and esteem, your obedient servant,

D. PORTER.

Capt. S. CASSIN.

SEA GULL, *Port Rodgers, August* 20, 1823.

SIR: I shall leave this place to-morrow morning, to look at a doubtful establishment on the continent, and shall be absent about a week, and leave you in charge of the establishment here.

I will thank you to give every aid and facility in the finishing the boat shed, and completing the repairs and equipments of the barges.

I have left all the carpenters that could be mustered. If you have any that can be spared from your ship, or any tools, such as are wanting, I will thank you to supply them, as I am very anxious to have the boats ready by the return of the Fox from the coast of Yucatan. Should the John Adams arrive, you will call on her commander to furnish all the aid in his power in effecting these objects.

All United States vessels which may arrive during my absence, are to await my return.

Very respectfully, your obedient servant,

(Signed) D. PORTER.

Capt. S. CASSIN.

PORT RODGERS, *Thompson's Island, September* 12, 1823.

SIR: You will proceed with the United States ship Peacock, under your command, to cruise in the Gulf of Mexico, for the protection of our commerce and the transportation of specie. You will be governed in these respects by your former instructions. You will touch at Cuba for such supplies as cannot be procured here; and on your way down you will examine the coast from Cape Catoche to Campeachy.

You will limit your stay between La Vera Cruz and Tampico to six weeks, and on your return to this place, not finding me here, you will proceed to Norfolk, reporting your arrival to me at Washington.

Very respectfully, your obedient servant,

D. PORTER.

Capt. STEPHEN CASSIN, *U. S. Ship Peacock.*

PORT RODGERS, *Thompson's Island, September* 13, 1823.

SIR: Instead of acting agreeably to my instructions of yesterday, you will proceed, accompanied by the John Adams, to Hampton Roads, as the rapid progress of the malignant fever in the squadron, for which we have not sufficient medical aid, requires that the ships should proceed where it can be obtained.

On your passage, keep company for mutual assistance.

Very respectfully, your obedient servant,

D. PORTER.

Capt. STEPHEN CASSIN, *U. S. Ship Peacock.*

U. S. SHIP JOHN ADAMS, *Norfolk, January* 28, 1824.

SIR: You will proceed with the United States ship Hornet under your command, to the coast of Africa, continuing along the course in the usual track of slave trading vessels, in pursuance of the general cruising instructions, and the acts of Congress for the suppression of the slave trade and capture of piratical vessels; copies of the laws relative thereto you have enclosed.

While on the coast, you will touch at the American settlement of free colored people—communicate with the agent of the American Colonization Society—ascertain the state and condition of the colony, giving it such aid, assistance, and protection, as it may stand in need of, and be in your power to furnish.

From thence you will proceed towards the coast of Guinea, and thence in the route usually traversed by vessels with slaves, which is mostly north of the Antilles and the Keys to Cuba.

You will, in your route, touch occasionally at some of the islands of the West Indies, to obtain news of piratical vessels. You will proceed to Matanzas—fill your water and repair to Thompson's Island, where you will receive my further orders.

Wishing you a pleasant and successful cruise,

I am, with great respect, your obedient servant,

(Signed) D. PORTER.

Capt. S. CASSIN, *U. S. Ship Hornet.*

SEA GULL, *Allenton, June* 19, 1823.

SIR: Having heard by the Jackal of the arrival of the Hornet at Havana, I have to require you to proceed to this place with as little loss of time as possible, as the services of your ship are much wanted here.

It is greatly to be regretted that you made any stay at Havana at this season, and I shall deem it particularly fortunate if your crew escape the malignant fever which has already been brought over to us in the store ship, and by which two persons who contracted it in Havana have died on the island.

You will be careful in keeping your ship well ventilated and fumigated, not to allow water to be let into the hold, or your men to be unnecessarily exposed; and, should disease appear, hasten to separate those affected from the well part of the crew.

I shall feel much anxiety until the period arrives when all apprehensions should cease, and hope no efforts will be wanting to get as early as possible beyond the baneful influence of the climate of the port.

With great respect, your obedient servant,

(Signed) D. PORTER,

Commanding U. S. Naval Forces in the West Indies and Gulf of Mexico.

Capt. S. SMITH, *Ship Hornet.*

UNITED STATES SHIP JOHN ADAMS, *Thompson's Island, December* 15, 1824.

SIR: You will please send me a report of your proceedings, from the time of your executing the orders of the Navy Department, up to the time you receive this, with a statement of the actual employment of the vessels on the station.

If the marines which were ordered to come out in the vessel with coal have arrived at Matanzas, you will send them over in the Terrier, whose commander has been ordered by me to return, after touching at Havana.

I have directed the commander of the Porpoise to repair here with his vessel; you will continue on the service you are now engaged, with the remainder of the forces, until you receive further instructions.

Very respectfully, your obedient servant,

(Signed) D. PORTER.

Capt. KENNEDY.

SEA GULL, *Port Rodgers, July* 31, 1823.

SIR: You will proceed to Havana with the United States ship Hornet under your command, and there obtain a supply of provisions and water.

You will be careful of the health of your officers and men, suffering as little exposure to the weather, and communication with the shore, as possible, hiring boats and crews to bring off your provisions and water, and laying at Havana not one hour longer than is necessary to complete the object of your visit there.

If you should find there, or in that neighborhood, the schooner Fox, Lieutenant Commandant Ritchie, you will take her under your command, and proceed, with her in company, to a piratical establishment, said to exist at a place called New Malaga, near Cape Catoche; and ascertain, as near as possible, its state, and the force necessary to subdue it, which information you will communicate to me by the Fox, to be dispatched with it to this place. It is said that a British expedition has gone against it.

You will endeavor to ascertain how far they have made efforts to put it down, and their success.

You will from thence proceed along the coast, touching at Campeachy for information respecting the aforesaid piratical establishment, and the state of piracy on the coast; and affording, at the same time, all the protection in your power to our commerce.

From Campeachy you will proceed to La Vera Cruz, and in that neighborhood, as well as Campeachy, continue to give protection to our commerce; and, if merchants wish you to give convoy to their specie to the United States, you can afford it at the usual rate of freight.

The freight allowed at present from Havana is two and a half per cent., and this is not more than sufficient to indemnify those concerned in the risk, responsibility, and trouble of the transportation. I leave it, however, to yourself to make the best arrangement you can with the merchants, assuring them of prompt delivery, and that they may calculate on a certainty of the means of transportation being constantly afforded them.

You will write to me by every opportunity from La Vera Cruz, directing your letter to the care of Messrs. Castillo, Black & Co.; and, should you not meet the Fox, you will take the earliest opportunity of informing me by some other conveyance, of the result of your observations at New Malaga.

It is to be presumed that a stay on the coast of one month will be sufficient to enable you to make up a freight. Should you find it necessary, however, you can remain there six weeks, when you will return to this place for further orders.

Spare no pains whatever in endeavoring to preserve the health of those under your command, allowing of as little exposure to the sun as possible, and at night.

With great respect, your obedient servant,

(Signed) D. PORTER.

Capt. S. SMITH, *Ship Hornet.*

MATANZAS, *May* 2, 1824.

SIR: You will proceed to Havana with the United States ship John Adams—there fill your water, and proceed to the Gulf of Mexico, touching at Campeachy, Alvarado, La Vera Cruz, and Tampico, for the purpose of affording protection to the persons and property of our citizens, and for the transportation of their specie. At one of these places you will find the United States schooner Jackal, Lieutenant Commandant John H. Lee, whom you will instruct to aid you in the duties assigned you, and, when his services are no longer necessary to you, you will direct him to take in the specie of our citizens, to New Orleans, Havana, or any part of the United States, as may be, in your opinion, most advantageous to our commercial interests. Should he go to New Orleans or Havana, he is afterwards to proceed to Thompson's Island, and, should he be sent to the United States, he is to touch there for orders from me; he is to be governed, in all cases, by the rules prescribed to you in regard to the transportation of specie, and his intercourse with foreign officers.

When you have completed your freight, which I presume may be done in one month or less, you will touch at Havana and this place for further orders.

I have read to you the instructions of the honorable Secretary of the Navy, relative to the transportation of treasures.

I have no apprehensions that you will go beyond the authority given—it is therefore needless to make any further communication to you on the subject. I will merely remark, however, that none of the vessels of war under my command must, on any account whatever, and under any inducement, be used for the purposes of commercial adventure. You can carry the treasures of our citizens from one port or place to another, and you can take it to the United States; but nothing in the shape of public advertisements must appear; and in all your intercourse with the authorities of the places you may visit, make frank acknowledgments of the motives that brought you there. Let all transactions in this respect be open, and not liable to misapprehensions. Nothing whatever in the shape of clandestine shipments must be countenanced.

Wishing you a pleasant and successful cruise,

I am, with respect, your obedient servant,

(Signed) D. PORTER.

Capt. A. J. DALLAS, *U. S. Ship John Adams.*

U. S. Ship John Adams, *(off Matanzas,) July* 16, 1824.

My Dear Sir: I have this moment received your orders for New York; all the money on board, amounting to seventy or eighty thousand dollars, is for Philadelphia, and as I have signed bills of lading to that port, I am confident you will not think I do anything improper when I go there.

Should you direct that I proceed from thence to New York, the ship will be ready the moment after the delivery of the money.

Very sincerely and respectfully,

A. J. DALLAS.

Com. David Porter, *commanding West India Squadron, &c., &c., &c.*

Washington, *August* 11, 1824.

Sir: As soon as the United States ship John Adams shall be ready for sea in every respect, you will proceed to the West Indies to give protection and convoy to our commerce, governing yourself in every respect by the general cruising instruction and the orders heretofore given.

You will make the island as far to windward as St. Barts, touching at that place and St. Thomas, and examining all suspicious places to the south coast of Cuba. You will there touch at St. Jago and Trinidad, and proceed from thence to the Gulf of Mexico, where you will cruise until a renewal of your supplies shall make your return necessary, when you will touch at Havana and Thompson's Island, to receive them and further orders.

Should you consider supplies necessary before going to the gulf, you can touch at Thompson's Island for them.

Should transportation of specie offer, you can take it on board under the restrictions laid down.

The difficulties which have recently occurred at Tampico with the commandant at that place, will make your occasional presence there indispensably necessary. Govern yourself in your intercourse with him with the utmost caution and prudence, avoiding, if possible, everything which may be likely to produce bad feelings.

You will, by every safe conveyance, make reports to me at Thompson's Island, of your proceedings.

Wishing you a pleasant cruise, I am your very obedient servant,

(Signed) D. PORTER.

Capt. A. J. Dallas.

Washington, *October* 2, 1824.

Sir: Having received orders from the honorable Secretary of the Navy to proceed as speedily as possible to Thompson's Island, in your ship, you will drop down to New Castle, ready to receive me on board, and be prepared to sail on the shortest notice.

Very respectfully, your obedient servant,

(Signed) DAVID PORTER.

Capt. A. J. Dallas.

Thompson's Island, *April* 12, 1824.

Sir: With the steam galliot Sea Gull and four barges, you will proceed to give a thorough examination to the coast inside the Isabella and Colorado reef, in search of pirates.

With three of the barges, you will enter the passage at the east end, near Cayo Blanco, progessing westward, and you will send the Sea Gull and one of the barges to enter near Cape Antonio, to progress to the eastward. I shall order the Grayhound to proceed to Cape Antonio with a supply of provisions, there to await your arrival, and to receive your further instructions.

After you have executed these instructions, you will return to this place, and make to me a report of your proceedings.

Wishing you a pleasant and successful cruise,

I am, with great respect, your obedient servant,

(Signed) D. PORTER.

Captain Jesse Wilkinson.

Copy of a letter from Captain J. Wilkinson to Commodore David Porter, Commander-in-Chief of the United States naval forces in the West Indies, Gulf of Mexico, and on the coast of Africa, communicated to the Secretary of the Navy, dated—

U. S. Steam Galliot Sea Gull, *April* 24, 1824.

Sir: I have the honor to report to you my return with the steam galliot Sea Gull, and four barges; having given a thorough examination of the coast of Cubâ, inside the Isabella and Colorados, keeping in search of pirates, agreeably to your orders of the 12th inst.

The Sea Gull and one barge entered at Cape Antonio, and progressed eastward, and with three barges I commenced at the river Ortigosa, and progressed westward, examining minutely every part of the coast until I met the Sea Gull with the whole of the forces.

I then proceeded to the spot designated by you for the anchorage of the Grayhound, where I arrived on the 20th instant, took in a supply of water and provisions, and sailed the same evening for Thompson's Island, with the Grayhound and Fox in company. I dispatched the Grayhound for Havana. It being calm at 7 o'clock yesterday morning, made signal for the Sea Gull to take the barges in tow, and also for the Fox to make the best of her way to Thompson's Island.

I ascertained, from several concurrent statements, that the celebrated pirate Diableto sailed from Cape Antonio about ten days previous to our arrival there, his destination unknown, but supposed to be for the coast of Yucatan, from the course he steered off, to increase his armament, having at that time but eight men, and nothing but small arms. The schooner he commanded he had captured but a short time before on the coast of Cuba.

I have the honor to be, sir, your obedient servant,

J. WILKINSON.

Com. DAVID PORTER, *Commander-in-Chief of the U. S. Naval Forces in the West Indies, Gulf of Mexico, and on the Coast of Africa.*

U. S. SHIP PEACOCK, *March* 11, 1823.

SIR: You will proceed down the south side of St. Domingo and Cuba to Thompson's Island, with the ships under your command, accompanied by the United States schooner Jackal.

Very respectfully, your obedient servant,

(Signed) D. PORTER.

Lieut. Com. L. KEARNEY.

U. S. SHIP PEACOCK, *Allenton, April* 11, 1823.

SIR: So soon as the provisions of the Grayhound and Weasel can be taken on board, you will proceed with them to Havana, and give convoy every Saturday morning, as far as the Double Headed Shot Keys.

A convoy sails with the Wild Cat and Beagle, every Sunday morning, from Matanzas, and you will join them. You will have frequent opportunities of communicating with Lieut. Com. Skinner, and obtaining information of affairs to the windward of Matanzas, in the neighborhood of the Keys, about Point Yeacos, and which you will direct him to examine if practicable. Every week you will do the same with the coast between Matanzas and Havana, (on your return from convoy,) where there are several places that have been much the resort of pirates, particularly Bays Escondido and Jaruca.

If at any time you feel disposed to change stations with Lieut. Com. Skinner, you can do so, directing him to perform, with two of the vessels, the duties assigned to you.

I would recommend your going as little into Havana as possible, on account of the health of yourself and your officers and crew. Some of the small bays will no doubt supply you with water and shelter, while you are not cruising.

It will soon become necessary to careen the vessels, and get them in order. This can be done either at Matanzas or here, and probably at present more conveniently at Matanzas. You will please therefore supply yourself with the requisite stores, and take favorable opportunities of careening them, one at a time, so that you may always be in readiness for the performance of any service that may be required of you. You will consider yourself charged with the protection of our commerce to windward of Havana, while I shall use other means of protecting it to leeward.

The vessels must come here for provisions, and must always come with their water filled; but should any small supplies be required, you can obtain them from Mr. Warner, the American consul at Havana, or Mr. F. Adams, an American merchant at Matanzas. You will observe, however, the utmost economy in everything. Whenever it becomes necessary for you to leave your station, you will apprise the merchants, in order that they may make arrangements accordingly.

Very respectfully, your obedient servant,

(Signed) D. PORTER.

Lieut. Com. L. KEARNEY, *U. S. Schooner Grayhound.*

SEA GULL, *Matanzas, April* 16, 1823.

SIR: In consequence of your having sent here the Weasel, and of your intentions of coming here yourself, I have sent the Wild Cat and Beagle to take your place off Havana.

I should wish to see you before my departure.

Very respectfully, your obedient servant,

(Signed) D. PORTER.

Lieut. Com. L. KEARNEY.

[Extract.]

U. S. GALLIOT SEA GULL, *Allenton, May* 19, 1823.

SIR: You will proceed to give convoy every Sunday from Havana, examining the coast occasionally to the east and west of that port.

(Signed) D. PORTER.

Directed to Lieutenant Commanding S. KEARNEY.

SEA GULL, *June* 3, 1823.

SIR: The enclosed is the copy of a communication respecting a pirate on the south side of Cuba, which you will proceed in pursuit of.

You will consider yourself authorized, as circumstances may seem to make necessary, to go around the Island of Cuba, to run over the Cape Catoche, to touch at Jamaica, to extend your cruise as far as the Mississippi, and run down to Galveston; and as the object is not to restrain your permit by confining your limits, you can, if there is a reasonable prospect of meeting with pirates, extend your researches to such distance as may enable you to return to this place by the time your provisions may be expended.

Should the Jackal arrive this evening, she will probably join your command; or if you should sail before her arrival, it is likely I shall order her to join you off the south end of the Isle of Pines.

If, in the course of your cruise, you should find persons disposed to send money to the United States, you can take it on board on such freight as may be agreed on between you; and if the destination should be New Orleans, you can proceed with it direct; but if to the Atlantic States, you will, after receiving it on board, touch here for further orders.

The pursuit of pirates, is, however, the primary object, and everything else is to yield to it.

Wishing you a pleasant and successful cruise, your obedient servant,

(Signed) D. PORTER.

Lieutenant Commanding L. KEARNEY.

U. S. STORE SHIP DECOY, *Thompson's Island, April* 11, 1823.

SIR: I have the honor to report to you the events of my cruise from Aguadilla to this place, accompanied by the U. S. schooner Jackal, viz:

On leaving Aguadilla, on the 12th ultimo, we proceeded off Cumberland harbor, on the south side of Cuba, and from thence along shore to the westward, looking into St. Jago, and all ports and places between that and the west end of the island (Cape Antonio), without falling in with any piratical or other vessels liable to seizure, or hearing of any piratical acts having been recently committed along that coast.

On the 23d ultimo we communicated with the British sloop-of-war Scout, then lying at anchor under the Isle of Pines, and were informed that she had tenders then cruising among the Keys and bays in that quarter, but had heard of no pirates.

On the 24th, fell in with the British armed cutter Grecian, of ten guns, off Cape Corientes; was informed that a day previous she had destroyed a piratical vessel in St. Philip's Bay, the vessel burnt, and nearly all the men killed or drowned; said to have been the only piratical vessel heard of in that quarter.

Same day, off Cape Antonio, fell in with H. M. ship Tamer, and two armed schooners, tenders, who confirmed the report of the Grecian.

On the 25th, proceeded in the Jackal back to Cape Antonio, within the reefs, without discovering any vessels or boats of any description except one or two canoes at an establishment at the Cape, where there were also some huts and Spaniards. The English boats had visited there, and some of their officers being on shore, we did not examine that place so particularly.

From Cape Antonio we proceeded along the outside of the Colorados, and close in with the reefs and coast, up as far as Havana; saw H. M. ship Hyperion, off Cape Antonio, and afterwards off the Bay of Honda, cruising also for pirates.

Under an impression that nothing remained to be done, we proceeded to Thompson's Island, giving convoy to several merchant vessels out of Havana.

I am, very respectfully, your obedient servant,

LAWRENCE KEARNEY.

Lieutenant Commandant Kearney to Commodore Porter.

U. S. SCHOONER GRAYHOUND, *Thompson's Island, August* 10, 1823.

SIR: I have the honor of transmitting herewith, for your information, the enclosed report of the cruise of this vessel, commenced under circumstances of a vexatious nature, as the report will show, but terminating in a manner, I trust, somewhat satisfactory to you, although the principal object pointed out in your letter (respecting the pirates at the Isle of Pines) has not met that success you may have anticipated; but I have the satisfaction to inform you that, although I have not been so fortunate myself, it has been the fortune of others to apprehend those very villains who committed the outrage upon the American vessels Reuben and Eliza, and Mechanic, as mentioned in your orders. They are now in prison, at Trinidad de Cuba. Having had a communication with the governor of that place on the subject, I submit herewith my letter, with his answer (together with some publications to be seen in Spanish newspapers), for your information. Although I was not successful in getting the pirates into my possession, by the application made through the enclosed letter, and which indeed I did not expect, yet you will perceive it has drawn an official acknowledgment of these pirates being in possession of the authorities; making it a matter of public notoriety, it becomes more obligatory to pursue their prosecution to a just and proper issue.

I take this occasion to express to you the high sense I entertain of the Governor of Trinidad, which his attentions demand. He tendered us every civility and aid in his power in the prosecution of our duties; offering to procure us a pilot, and, altogether, evincing a disposition of friendly co-operation, seldom met with on the Island of Cuba.

For your better information on the subject of our visit to Cape Cruz, I beg leave to subjoin the detail of events, in a more circumstantial and particular manner than given in the enclosed report, viz:

On the 20th ult., cruising in company with the Beagle, Lieutenant Commandant Newton, Cape Cruz

bearing S. E. about four leagues, brought to and examined a small armed schooner, of about thirty-five tons, having three prizes in company. She proved to be a Colombian, duly commissioned, commanded by a Frenchman, and manned by Frenchmen, and some others, apparently natives of the country where she belonged. Her commission was dated at Carthagena, last December. Her prizes were examined by Captain Newton, and found to be Spanish droggers, except one, a large canoe, calculated to carry about twenty men, which boat had been taken on shore, near the cape, where she had been abandoned by a party they supposed to be pirates, on being chased by said schooner.

On the following day, we stood in, with the Beagle in company, and anchored under the cape. Captain Newton and myself, as well for recreation as to examine the cape, landed with a small boat; but finding the walking bad, we again embarked, and proceeded along shore in search of some settlement. Soon after getting out of site of our schooners, (by doubling around the cape,) a sudden and quick fire was opened upon us, from among a thicket of mangrove bushes and rocks, with which the cape is bordered.

The party was armed with muskets and blunderbusses, which were fired around us, alternately, without effect; at the same time a firing upon us was opened from another quarter, from guns mounted on a high point of rocks a short distance ahead. Thus situated, with a cross fire upon us, enabled only occasionally to return the fire of the party in ambush, as some of them would dodge from bush to bush, or rock to rock; having for our arms but a fowling piece and one or two muskets, we were induced to return to our vessels, which we did. It being late, we waited till next day.

On the morning of the 22d, Captain Newton and myself again set off, hoisting our colors upon the boat; as it was a fair presumption that, in consequence of a Colombian vessel being on the coast, some mistake on the part of the people on shore might have been made in regard to our character. But that proved to be groundless: for, having reached within the distance of their guns, they opened upon us with more apparent spirit and determination than before, from a position inaccessible, apparently, in the rear, from the thickets of bushes and briars; and the same in front, from a precipice of rugged rocks; and, so commanding, altogether, that, to prevent the loss of lives, I directed both vessels to be warped round the cape, along an extensive reef, which almost encircles it, affording a smooth and shallow harbor. We did not succeed in getting within gun shot of the establishment, until we had reached five and six feet water, when we anchored.

Lieutenant Farragut, with the marines and some seamen, was ordered on shore, to endeavor to gain a position in their rear, to attack them, or cut off their retreat before the schooner moored, or their landing could be discovered by the pirates—as we had deemed the party we were about to attack. The officers of both schooners volunteered, and accompanied the party on shore, one being only reserved in each schooner, and a sufficiency of men for the guns, hoping to attract the attention of the pirates from Mr. Farragut's party. Several shot were fired from the schooners, which drove the pirates into places of security behind the jutting rocks, where they seemed to be in considerable force; the shot being seen to strike among the rocks behind which they sat; and not until the boats were dispatched to land in front, and Lieutenant F.'s party was close upon them, did they abandon the advantageous position they occupied. They were pursued, but with so decided a disadvantage to the pursuers, from their want of knowledge of the passes, that none, unfortunately, were taken, except two old and decrepid beings, whose age and infirmities placed them beyond the merited chastisement their more active comrades, had they fallen into our power, would have received.

A four-pounder, two swivels mounted on the heights, and some indifferent articles of small arms, were found; they, however, escaped with their muskets and blunderbusses, or else hid them in some of the numerous deep and intricate caverns to be found on the cape: in one of which, various articles of plunder were stowed, but of no value; however, enough to show the character of the wretches who infest that place; human bones were found in the cave. We found eight boats, but not of a large size; their principal one was, no doubt, the one taken by the Colombian cruiser, as before stated; and those men armed with muskets and blunderbusses were, no doubt, of her crew.

From information derived from the prisoners, we learn that the captain of the gang was in prison in the interior of the island, for having burnt an English vessel off that cape. As a singular instance of the growing propensity of the present age for piracy, I have to inform you, that even a *woman* and *children* were of this gang, belonging to the captain of them—a second "Helen M'Gregor," and the old men, too, who can do nothing else, light up the signal fire, which was done in the present instance, on our appearing on the coast.

In another case, a captain of a vessel informed me that he had been plundered by a gang of pirates, who took him by surprise, under the following stratagem, viz:

An old man, (his bald head and hoary locks exposed to view) and a little boy to steer the boat, pulled, or sailed alongside of his vessel; when it was too late, discovered that a strong party lay concealed in the bottom of the boat, to whom he had to surrender.

The female just mentioned was removed to some place of safety before the attack was made, (said to be the wife of the captain.)

Finding our pursuit of the pirates promised no success, I considered it unimportant to remain longer at the cape, having destroyed their means of doing further mischief for a time; and taking into consideration the state of our officers and men, worn down by fatigue from a long pursuit over one of the roughest countries I have ever seen, their clothes nearly torn off, from bushes of impenetrable thickness, and their shoes cut off their feet by sharp pointed rocks over which they passed, I abandoned the place, bringing off the arms, &c., of any consequence, and setting fire to everything else that would *burn*.

One large and well thatched house, and three smaller ones, were consumed, and a quantity of fishing nets; and their furniture, which I have always observed to be a part of the outfits of a piratical establishment; they are merely used for their immediate wants, in procuring sustenance, when their real profession proves unfruitful and obliges them to it.

I have written you a very long and full account of this affair, in order that you may be possessed of every information in my power to give, in the event of a question arising as to the propriety of landing and burning property on a foreign shore; and should this case be noticed by the supporters of "territorial jurisdiction," (over uninhabited parts of Cuba, notorious only for murder and piracy,) it will be seen that your officers and men's lives have been jeopardized, and the flag of our country made a target for the lawless villians to fire at, at their pleasure, and which will continue so to be, if any restrictions

should be put upon our landing in similar places, where no authority exists than the will of the marauders themselves who inhabit those places.

I took the liberty of releasing the two prisoners, as there was no proof to establish them pirates; and I furnished them a boat, with an express condition that they should never appear again at the cape, and that I should take and treat as pirates any persons found there hereafter, not furnished with a special license from the present Captain General of Cuba, setting forth their character and occupation.

This was taking upon myself, perhaps, too much; but it is now submitted to you whether such a measure would not be proper, not only in regard to that place, but all others of a like position.

That there is a chain of intercourse with fishermen who live in such places, and pirates, I have no doubt; and it must be obvious from several cases of late.

As regards those at the Isle of Pines, they affect to know nothing of the robbery of the vessels your order mentions to me as having taken place there, although the very articles of the cargoes of those vessels I saw in their house.

At Cape Antonio, two years since, I found fishermen's huts filled with piratical goods, papers and letters, robbed from different vessels, strewed about their floors.

That fishermen, as well as pirates, should be moved from all the capes, or rather uninhabited parts of Cuba, where the proper authorities can have no control, I think necessary, and will, I hope, be the case.

Very respectfully, I have the honor to be, your obedient servant,

LAWRENCE KEARNEY, *Lt. Com. U. S. Navy.*

Com. DAVID PORTER, *Commander U. S. Naval Forces in the West Indies and Gulf of Mexico.*

P. S.—In my report of the affair at Cape Cruz, I forgot to mention, that we were not either hailed, or was there any colors displayed by the party that attacked us, by which we could ascertain their character.

As regards our character, they could have no great doubt: for they had seen us communicating with an English ship-of-war, close off the cape, on the same day of our arrival.

I was informed by the Governor of Trinidad, of pirates infesting the coast to the eastward of that place, and was induced to proceed within the keys in pursuit.

On my way, boarded a small schooner, belonging to the Grand Cayman Island, and the information before received was corroborated by her master.

Under these impressions, I reached Cape Cruz, and our reception there induced a belief that we had met the party complained of.

I am, very respectfully, your obedient servant,

L. KEARNEY.

Com. DAVID PORTER, *Commander U. S. Naval Forces in the West Indies and Gulf of Mexico.*

WASHINGTON, *July* 8, 1824.

SIR: After executing my orders to Lieutenant Commandant T. H. Stephens, of the 25th of April last, (copy of which I enclose you,) you will fill up your provisions and stores, touch at Havana, offer convoy to vessels bound into the Gulf of Mexico, and then proceed to the coast of Yucatan—run down to Campeachy—there offer convoy and protection, and from thence proceed to Alvarado, La Vera Cruz, and Tampico, remaining in the neighborhood of those places about six weeks, giving protection to our commerce, and governing yourself in all your proceedings by my general instructions of the 26th February, 1823, which have, no doubt, been transferred to you by Lieutenant Commandant Stephens.

If, in the course of your stay in the gulf, our merchants should have specie to transport from one port or place, or to the United States, you will take it on board on the usual freight, taking special care that nothing like illicit shipments are made, and that nothing in the shape of public advertisements appear, or that anything is done liable to misconstruction, or give rise to unfriendly comments, and above all, that your vessel is not made an object of commercial speculation or enterprise. Nothing in the shape of merchandise must be taken on board, except under the circumstances provided for by the act for the better government of the navy. Let all your proceedings in these respects be open; make known frankly to the authorities of the place your objects, and let your conduct be such as to remove all suspicions.

In the transportation of specie, an object of great importance to our country, we have a delicate duty to perform, and one which very many believe is not obligatory on us; confine yourself, however, strictly to your orders, and no remarks, whether publicly or privately made, need cause you pain.

After receiving the specie on board, proceed with the convoy, if any, to Havana, thence to New York, touching, if necessary, at Charleston, to land any specie you may have for that place. After landing your specie at New York, you will return to Thompson's Island by the same route pointed out in my instructions of the 25th of April.

Wishing you a pleasant cruise, I am, your obedient servant,

(Signed) D. PORTER.

Lieutenant Commandant JOHN GALLAGHER, *New York.*

Copy of a letter from Lieutenant Commandant John Gallagher to Commodore David Porter—communicated to the Secretary of the Navy.

U. S. SCHOONER SHARK, *Havana, November* 6, 1824.

SIR: I had the honor to address you from Thompson's Island, dated 8th September last, giving an account of our proceedings up to that date.

The wind being from the southward, and squally, we did not sail from Thompson's Island until the 10th, and arrived at the Havana on the 12th. After remaining at the Havana three days, not finding any

vessels bound into the Gulf of Mexico, or desirous of convoy, we left the harbor, and stretched over for Thompson's Island, for the double purpose of landing $2,000, taken on board at Havana for Purser Thornton, (which money I was requested to land there, it being much wanted for the station,) and ascertaining if Lieut. Varnum, in the barge Gallinipper, and the schooner Terrier, had sailed on the expedition to Point Yeacos.

I arrived at the island on the 16th September, landed the specie, (Lieut. Varnum had sailed four days previous,) and sailed again on the next day, shaping our course for the Gulf of Mexico.

After arriving in the gulf we cruised about six weeks, touching off Campeachy, and communicating with the town. Not finding any American vessels here, nor hearing of any pirates or recent piracies, we proceeded to the westward, cruising from Roca Partido up with Alvarado; after which, anchored off the harbor of Alvarado, and communicated with the town, offering convoy and protection to our commerce. There being only three American vessels in port, none of which were ready to sail immediately, my further services being unnecessary at that time, I proceeded to Vera Cruz, at which place we remained at anchor three days, the Weasel in company, bound to Alvarado. There was not a single American vessel in port, consequently my services were not necessary at that place. We got under way, and cruised to the northward, as far as Tampico, where we anchored and communicated with the town, offering protection and convoy to any vessels bound out. We remained off Tampico, and in the neighborhood, ten days; from thence, cruised to the southward, and off Vera Cruz and Alvarado, but was unable to communicate with the shore, in consequence of bad weather.

The term of our cruise in the gulf having nearly expired, we shaped our course for Yucatan bank, where we cruised in sight of Alacran, and in the neighborhood, a few days, stretching off Capes Catoche and Antonio; from thence to this port, where we arrived to-day. It affords me great satisfaction to state that the officers and crew have enjoyed health since leaving New York, not having lost a man by sickness, nor have we heard a single case of malignant fever on board.

I have the honor to be, sir, with great respect, your obedient servant,

JOHN GALLAGHER.

To Com. DAVID PORTER, *commanding U. S. Squadron in the Gulf of Mexico and West Indies.*

SEA GULL, *Allenton, May* 11, 1823.

SIR: You will proceed to Matanzas with the United States schooner Jackal, under your command, and from thence give convoy every Sunday morning, as far as the Double Headed Shot Keys, and occasionally examining on your return Key Sal, the keys to windward of Point Yacos, and the coast to leeward, for piratical vessels, and vessels engaged in the slave trade, coming under cognizance of our laws, as explained in my general instructions. Should you, at any time, be possessed of information which may be of importance to me, or letters, or packages of newspapers, and no injury will result to the public interest by your absence from Matanzas, you will please to run over to this island with them.

If, at any time, merchants should apply to you for the transportation of specie to the United States, you will please to inform me, as early as possible, as to the amount, and the time when it will be ready, in order that arrangements may be made accordingly.

Very respectfully, your obedient servant,

D. PORTER.

Lieutenant Commandant T. H. STEVENS.

[Extract.]

SEA GULL, *Allenton, June* 18, 1823.

You will proceed to Washington with the United States schooner Jackal, reporting her arrival to the honorable Secretary of the Navy, for such changes in the officers as may be necessary, and to fill up her crew—these being the objects of sending her home. When the necessary changes have been completed, she is to return to this place by the way of Crooked Island or Caucus passage, running down the south side of Cuba, examining the coast, and touching at St. Jago and Trinadada, for information respecting piracy.

It is extremely desirable that no unnecessary delay should take place in the United States, as the services of the Jackal will be wanted, and any delay will prevent my carrying into effect the arrangement of the periodical sailing of vessels from here.

(Signed by) D. PORTER.

Directed to Lieutenant Commandant THOS. H. STEVENS.

U. S. SHIP JOHN ADAMS, *Craney Island, December* 27, 1823.

SIR: You will proceed to the Gulf of Mexico with the U. S. schooner Shark under your command, and land the two gentlemen, agents of the Bank of the United States, either at Alvarado, La Vera Cruz, or Tampico, at their option; you will then regulate your movements so as to receive on board your vessel such sums of money, in any of the ports of Mexico in the gulf, as they may designate; the money to be received on deck, and in parcels of not less than one thousand dollars, put up in good substantial boxes, barrels, kegs, or skins.

The money received from them is not to include any other than what belongs to the Bank of the

United States, except on the usual terms of freight; all consignments, therefore, to the bank, and not the property of the bank, are to be taken on the terms usually given by merchants, and you will take the British rule as your guide.

When you shall have completed your freight, you will repair to Thompson's Island, for further instructions.

It is presumed that you will not find it necessary to remain in the gulf more than six weeks, and I shall endeavor to send a vessel to relieve you about the 1st of March next.

I have read to you the instructions of the honorable Secretary of the Navy, relative to the transportation of treasures. I have no apprehensions that you will go beyond the authority given; it is therefore needless to make any further communication to you on the subject. I will merely remark, however, that none of the vessels of war under my command must, on any account whatever, and under any inducement, be used for the purposes of commercial adventure. You can carry the treasure of our citizens from one port or place to another, and you can take it to the United States, but nothing in the shape of public advertisements must appear; and in all your intercourse with the authorities of the places you may visit, make frank acknowledgments of the motives which brought you there. Let all your transactions, in this respect, be open, and not liable to misapprehension. Nothing whatever in the shape of clandestine shipments must be countenanced.

For the information of the government, you will, on joining me, report to me the amount of treasures on board your vessel, where taken from, where destined, and the circumstances, terms and conditions on which you have taken them.

Should I leave Thompson's Island before you arrive there, I shall leave orders for you. During your stay in the gulf, as well as on your passage out and home, you will seek every occasion to give protection to the persons and property of the citizens of the United States.

Wishing you a pleasant and a profitable cruise, I am, sir, very respectfully,

D. PORTER.

Lieut Com. THOMAS H. STEVENS, *U. S. Schooner Shark.*

U. S. SHIP JOHN ADAMS, *January* 1, 1824.

SIR: You will proceed to the Gulf of Mexico with the United States schooner Shark under your command, and land the two gentlemen, agents of the Bank of the United States, either at Alvarado, La Vera Cruz, or Tampico, at their option. You will then regulate your movements so as to receive on board your vessel, such sums of money in any of the ports of Mexico, in the gulf, as they may designate; the money to be received on deck, and in parcels of not less than one thousand dollars, put up in good substantial boxes, barrels, kegs, or skins.

The money received from them is not to include any other than what belongs to the Bank of the United States, except on the usual terms of freight. All consignments, therefore, to the bank, and not the property of the bank, are to be taken on the terms usually given by merchants, and you will take the British rule as your guide.

When you shall have completed your freight, you will repair to Thompson's Island for further instructions. It is presumed that you will not find it necessary to remain in the gulf more than six weeks, and I shall endeavor to send a vessel to relieve you about the 1st of March next.

I have read to you the instructions of the honorable Secretary of the Navy, relative to the transportation of treasures. I have no apprehensions that you will go beyond the authority given; it is, therefore, needless to make any further communication to you on the subject. I will merely remark, however, that none of the vessels of war under my command must, on any account whatever, and under any inducement, be used for the purpose of commercial adventure. You can carry the treasure of any of our citizens from one port to another, and you can take it to the United States, but nothing in the shape of public advertisements must appear; and in all your intercourse with the authorities of the places you may visit, make frank acknowledgments of the motives which brought you there.

Let all your transactions in this respect be open, and not liable to misapprehension. Nothing whatever in the shape of clandestine shipments must be countenanced. For the information of the government, you will, on joining me, report to me the amount of treasures on board your vessel, where taken from, where destined, and the circumstances, terms and conditions on which you have taken them.

Should I leave Thompson's Island before your arrival there, I shall leave orders for you. During your stay in the gulf, as well as on your passage out and home, you will seek every occasion to give protection to the persons and property of the citizens of the United States.

Wishing you a pleasant and profitable cruise, I am, sir, very respectfully,

(Signed) D. PORTER.

Lieut. Commandant TH. H. STEVENS, *U. S. Schooner Shark.*

U. S. SHIP JOHN ADAMS, *at sea, February* 25, 1824.

SIR: After landing the specie on board your vessel at Philadelphia, you will proceed to the coast of Africa, running down as far as Cape Messurado, communicating with the public agent there, and affording every aid, assistance and protection to the colony of free blacks in your power to bestow.

Should you in your route capture any slave vessels, you will deliver them to the agent appointed by the government to receive them.

From thence you will run for the coast of Guinea, and continue down the coast of Venezuela, thence to Jamaica, and from thence to Havana and Thompson's Island, where you will receive my further orders.

In this route you will seek every occasion to afford such protection to the persons and property of our citizens as may be in your power, and for this purpose you may touch at such places where it is most likely such protection may be required.

You will carry, according to the prescribed rules, the specie of our citizens from one port or place to another.

You will be governed by the laws for the suppression of the slave trade, and by my general cruising instructions, as regards the duties you have to perform.

I am, sir, very respectfully, your obedient servant,
(Signed) D. PORTER.

Lieut. Commandant Thos. H. Stevens, *U. S. Schooner Shark.*

U. S. Ship John Adams, *Thompson's Island, April* 25, 1824.

Sir: You will proceed to Charleston and New York, and deliver the specie on board your vessel; you will then return with all possible expedition to this place, touching at St. Barts, St. Thomas and Matanzas, for information respecting piratical vessels, &c.

Very respectfully, your obedient servant,
(Signed) D. PORTER.

Lieut. Com. Thos. H. Stevens.

U. S. Ship John Adams, *February* 14, 1824.

Sir: Observing in the public prints your arrival in New York, I have to direct your return to Thompson's Island, with all possible dispatch, by the way of Caycos or Crooked Island passage, and round the south side of Cuba, looking into Cumberland harbor, St, Jago, Cape Cruz, Trinidada, Isle of Pines, &c., &c. You will be governed by the general cruising instructions, as regards the duties to be performed.

Very respectfully, your obedient servant,
(Signed) D. PORTER.

Lieutenant Commanding James P. Oellers, *U. S. Schooner Jackal.*

U. S. Ship John Adams, *Norfolk, January* 24, 1824.

Sir: You will proceed with the United States schooner Grampus under your command to the coast of Africa, continuing along the coast in the usual track of slave trading vessels, in pursuance of the general cruising instructions, and the acts of Congress for the suppression of the slave trade and capture of piratical vessels; copies of which, and of the laws relative thereto, you have enclosed.

While on the coast, you will touch on the American settlement of free colored people, communicate with the agent of the Colonization Society, ascertain the state and condition of the colony, giving it such aid, assistance, and protection, as it may stand in need of, and be in your power to furnish.

From thence you will proceed towards the coast of Guinea, and thence in the route usually traversed by vessels with slaves, which is most north of the Antilles, and the keys to Cuba. You will, in your route, touch occasionally at some of the islands of the West Indies, to obtain news of piratical vessels; but you will endeavor to reach Matanzas, fill your water, and repair to Thompson's Island by the middle of May, where you will receive my further orders.

Wishing you a pleasant and successful cruise, I am, with great respect, your obedient servant,
(Signed) D. PORTER.

Lieutenant Commanding John D. Sloat.

U. S. Steam Galliot Sea Gull, *Matanzas, May* 20, 1824.

Sir: I have received yours of yesterday, communicating your proceedings, in conformity with my instructions of the 24th January, which is highly satisfactory, and shall be laid before the Hon. Secretary of the Navy, for his information, and for the information of those interested in the establishment at Cape Messurado.

After filling your water and obtaining your supplies of provisions, you will touch at Havana, and take under convoy vessels bound to the Gulf of Mexico, run down on the coast of Yucatan, touch at Campeachy, thence to Alvarado, Sacraficio, La Vera Cruz and Tampico, giving every protection in your power to the persons and property of American citizens, and convoy to vessels of all nations against piratical aggression.

After remaining in the Gulf about six weeks, you will proceed to Havana, and from thence to New York, and you are permitted to receive on board the gold and silver of our merchants at the same rate of freight as is charged by British sloops-of-war; but you will be particularly careful that nothing like clandestine shipments take place, and that nothing in the shape of merchandise be permitted to come on board; for, although it is the desire of the Navy Department that every facility be given to our merchants to get their specie from one port or place to another, it is strictly forbidden that our ships should become objects of commercial speculation and enterprise; in other respects, let all your transactions be open, and not subject to misconstruction, and in conformity with the orders of the Secretary of the Navy. You will, on your arrival at New York, make to me a written report of the sums brought in your vessel; the place or places taken from, where landed, and the rate at which it was taken on freight.

Wishing you a pleasant cruise, I am, with great respect, your obedient servant,
(Signed) D. PORTER.

Lieut. Com. John D. Sloat, *U. S. Schooner Grampus.*

Extract of a letter from Lieutenant Commandant John D. Sloat to Commodore David Porter, commanding the United States naval forces in the West Indies, Gulf of Mexico, and coast of Africa, communicated to the Secretary of the Navy, dated—

U. S. SCHOONER GRAMPUS, *Matanzas, May* 29, 1824.

SIR: In conformity to your orders of the 24th January, 1824, I sailed from Hampton Roads on the 28th February, and proceeded to the coast of Africa. On the 4th of April I anchored at Cape Mesurada, and visited the colony of free people of color, where I remained eight days, and have the satisfaction to report that I found them comfortably settled, and at peace with all the neighboring nations; although they appprehend that the tribe they had the difficulty with previous to the visit of the Cyane is not friendly to them, yet they do not believe they will venture to attack them again, particularly since my visit, as I gave the natives to understand that I should return there shortly, and they know that I supplied the colony with ammunition, provisions, &c., &c., a return of which I enclose. The appearance of the Grampus on the coast has been of essential service to the settlement. The trade with the natives in their immediate vicinity had been stopped for some time; but when they found the Grampus to be a vessel of war, the King sent in word that he would open the trade, and before I left there the natives began to come in with provisions and other articles, in considerable numbers. The agent for the United States, as well as for the Colonization Society, had left the settlement some time before my arrival; they have appointed acting agents, Mr. Waring for the United States, and Mr. Johnston for the society, both colored men. By their advice the people have elected a council of twelve to assist in managing the affairs of the colony, and by what I could discover, they appear to be doing very well, but they are extremely desirous to have the advice of *good agents;* they say they do not yet feel themselves competent to manage the establishment. Their settlement is very pleasantly situated on a narrow peninsula, the sea on one side, and Mesurada river on the other, on high ground; and they have for its protection a tolerably good fort, built of stone, at one end of the village, on which are mounted, at present, one long eighteen-pounder, and two eighteen-pound gunades; at the other extremity is a block-house, with one nine-pounder and one six. They have also mounted one brass four-pound field piece and one two-pound swivel, besides several other guns not mounted, and about one hundred muskets, eighty of which are in good order, and the others they will be able to repair with the tools and materials I gave them. The number of inhabitants is two hundred and thirty-seven; seventy-eight of them capable of bearing arms, who are formed into a company, and muster for exercise every Saturday. They have all very good houses, and some of them begin to cultivate gardens; they have also cleared a considerable piece of ground intended for cultivation. They catch in the river a variety of fish, and plenty of oysters. They have an abundance of fine timber, and the soil is very good; and they all appeared to be quite contented with their situation. They probably enjoy as good health there, as they would in any part of the world. Of the last emigrants, one hundred and five, all have gone through their seasoning; three young children only have died, and they with complaints incident to every climate and country. I have made this detailed report, believing it would be agreeable to you, to the society, and to all those friendly to the settlement, to know exactly how these people are situated, as I have been informed at St. Thomas that there are very discouraging reports in circulation in the United States. We sailed from thence on the 12th of April, and I am sorry that I am obliged to add, on the eighth day several cases of malignant bilious fever occurred on board, three of which proved fatal. A particular description of the character and progress of the disease, by Dr. Halse, I beg to enclose. No person has been permitted to go on shore except when necessity required it, and no persons were attacked with this disease except those who had been thus exposed. After leaving Cape Mesurada, I beat up the coast to the northward of Rio Grande, but did not meet with any vessels coming within the limits of my instructions. From there I proceeded in the execution of your further orders, and, on the 10th of May, anchored at Martinico, to obtain information, fill my water casks, and obtain other supplies, all of which were nearly exhausted. Sailed thence on the 16th, and anchored at St. Bartholomew on the 18th; sailed again on the 19th, and anchored at St. Thomas on the 20th; sailed thence on the 21st; called off St. Johns, Porto Rico, on the 22d, and communicated with the American consul. The next day I stood close in to the town of Aguadilla, where I found a Dutch man-of-war brig; communicated with the commander, who informed me that he had been there some days, and had not heard of any piracies or suspicious vessels in the Mona passage lately. Remained in the Mona passage all night, and then made the best of my way to the Island of Cuba.

I have examined the north coast closely as far down as Sugar Key, where I anchored in consequence of seeing several tents on the key. I, however, found them to be the crew of a Spanish brig-of-war from Cadiz, cast away there twelve days previous. From there the weather did not permit me to approach the keys along the Cuba shore. I examined Ginger Key, but found no person there, nor any indication of any having been there recently.

I am, sir, your most obedient servant,

JOHN D. SLOAT.

To Com. DAVID PORTER, *commanding U. S. Naval Forces in the West Indies, Gulf of Mexico, and Coast of Africa.*

WASHINGTON, *August* 16, 1824.

SIR: It has been intimated to you, that the Grampus, under your command, could be ordered to give convoy to certain vessels from the port of New York to Carthagena, but on a reconsideration of the subject it has been deemed advisable and prudent not to confine our protection to particular cases, on the application of individuals, but to make it of a general nature, formed on general principles, and given to all alike. This is necessary, to guard against any infringements of the rights of belligerents as regards blockades and contraband of war, the first of which is in no case to be violated, and the second is never to be protected. Upon these principles, our public ships should never give convoy to our merchant vessels to the ports of either of the belligerents, without a perfect knowledge that they had no contraband articles on board, nor are they ever to be protected against a blockading force when warned off.

Under these considerations, you will sail, in execution of my orders of this date, taking under your

protection such vessels as may offer for convoy, as far as your route may extend, governing yourself by the foregoing general principles, and the orders and instructions heretofore given.

With great respect, your obedient servant,

(Signed) D. PORTER.

Lieut. Commandant, J. D. SLOAT, *U. S. Schooner Grampus, New York.*

WASHINGTON, *Augvst* 16, 1824.

SIR: You will proceed to the West Indies with the United States schooner Grampus under your command, touching at St. Bartholomew and St. Thomas, and remain, until further orders, in the neighborhood of these places, and about Porto Rico, for the protection of our commerce, with such of our small vessels as may be ordered there. Some piratical acts having been committed in the Sail Rock and Mona passages, you will endeavor to prevent them in future.

In the duties to be performed, and in your intercourse with foreign officers, you will be governed by the general sailing instructions and orders heretofore issued.

Should supplies be required for your vessels, before my arrival, you will make application to Mr. Furnace, an American merchant at St. Thomas, who has offered to furnish them.

The schooner Beagle, Lieutenant Commandant Platt, has been ordered on the same service with the Grampus. You will make to me frequent reports of your proceedings, directing your letters to Washington, under cover to the Secretary of the Navy.

Very respectfully, your obedient servant,

(Signed) D. PORTER.

Lieutenant Commandant J. D. SLOAT.

U. S. SHIP JOHN ADAMS, *Passage Island, November* 15, 1824.

SIR: After you have landed the Pilot at St. Thomas, and executed my orders of this date, relating to the men in confinement at St. Christopher, you will return to St. Thomas, and continue your protection to our commerce, in conformity to former orders.

It has been stated to me by American merchants at St. Thomas, that large amounts of American property are frequently passing from that place to the coast of Comana Caraccas and Pensacola, for which they have asked protection. You will afford it to them when, in your opinion, it can be done advantageously to the public interest, and you are authorized to carry for them their specie, under former regulations and restrictions.

The Beagle will continue with you on this station, and you will make such disposition of your forces as will be most beneficial to the interest entrusted to you.

Should anything of importance occur, which it may be necessary that I should be informed of, you can, if no opportunity offers to Havana or Matanzas, send the Beagle with your communications to Thompson's Island.

You will continue to procure from Mr. Furnace, for your vessel, as well as the Beagle, the supplies which may be necessary; but, in doing so, you will observe the utmost economy. Payments can be made as heretofore, by drafts on the Secretary of the Navy.

Should any supplies be required at St. Bartholomew, you will obtain them from Mr. Bailey, a merchant of that place, who has offered to furnish them. At every opportunity you will inform me of your proceedings.

Your obedient servant,

(Signed) D. PORTER.

Lieut. Commandant J. SLOAT, *U. S. Schooner Grampus.*

U. S. SHIP PEACOCK, *St. Thomas, March* 3, 1823.

SIR: You will proceed with the Shark, under your command, accompanied by the Ferret, Terrier and Weazel, down the south side of Porto Rico, acting in conformity with my general instructions of the 26th.

You will continue to cruise in the neighborhood of Aguadilla at the west end of the island, detaining until my arrival there all vessels which may have committed any act of piracy on our commerce.

On your way down give the coast thorough examination, and look into Cat Island.

With great respect, your obedient servant,

(Signed) D. PORTER.

Lieut. Commandant MATTHEW C. PERRY, *commanding U. S. Schooner Shark.*

U. S. SHIP PEACOCK, *at Aguada, March* 11, 1823.

SIR: You will proceed with the United States schooner Shark, under your command, to the coast of Caraccas, touching at Porto Cabello and Laguira, to ascertain whether there are any interruptions to our commerce in that quarter; and if there should be, you will give it such protection as may be in your power.

By an official dispatch from the Captain General of Porto Rico, I am informed that the blockade of the coast of Colombia is raised, except against munitions of war; and the enclosed copy of a list of priva-

teers, fitted from Porto Rico, will aid you in identifying the character of those you may meet in your cruise.

From thence you will proceed down the coast, touching at the various places, wherever it may be found necessary, until you get to La Vera Cruz, in which neighborhood you will remain for the protection of our commerce until it may be necessary for you to rejoin me, which will depend on your provisions and supplies.

If, in the course of your cruise, you should find persons who have money to send to the United States, you will take it on board, agreeing with them as to the amount of freight; and while you remain at or about La Vera Cruz, you will please to communicate with Mr. John Mason, in Mexico, who is Secretary of American Legation there, on the subject of moneys to be transported to the United States, giving him information of your movements, that his arrangements may be made accordingly.

On leaving La Vera Cruz, you will proceed to Thompson's Island for my further instructions.

I should wish to be apprised of the time when it would be likely that you would leave La Vera Cruz, sufficiently early for me to send a vessel to relieve you.

With great respect, your obedient servant,
(Signed) D. PORTER.

Lieutenant Commandant M. C. PERRY.

SEA GULL, *Allenton, June* 24, 1823.

SIR: You will proceed off Havana with the schooner Shark, under your command, and there offer convoy to vessels bound to the United States; from thence you will proceed to New York, there to land the specie, discharge the men whose times are out, as well as those who have but a short time to serve, and to cause the necessary repairs to be made to your vessel with all expedition, that she may return to this station with the least possible delay.

With great respect, your obedient servant,
(Signed) D. PORTER.

Lieutenant Commandant M. C. PERRY.

SEA GULL, *Allenton, June* 24, 1823.

SIR: Understanding as you do my views with regard to the service to be performed in these seas, it is my wish, should you return in the Shark, that her protection to the commerce of the United States, on her way here, should take a range equal or nearly so to the round recently taken; but should her commander be changed for one who has not served under my command on this expedition, it is my wish that she should return here by the shortest route, in order that I may give him his instructions.

Should you leave the Shark, you will furnish your successor with a copy of this letter for his government.

With great respect, your obedient servant,
(Signed) D. PORTER.

Lieutenant Commandant M. C. PERRY.

U. S. SHIP PEACOCK, *Matanzas, March* 29, 1823.

SIR: You will, with the United States schooner Wild Cat, accompanied by the Beagle, remain to give protection to the American commerce in this quarter, and afford convoy every Sunday as far as the Double Headed Shot Keys. There is a bay to the windward of this place, and around Port Yeacos, called Sequappa Bay, which has been the resort of pirates. I wish you to embrace the first opportunity to visit it; but don't let your visit interfere with your convoy.

Any supplies that may be wanted for the two schooners you will obtain through the agency of Mr. L. Adams, a merchant of this place. You will be careful in not obtaining any but such as may be absolutely necessary.

Any intelligence you may receive of sufficient importance to make it necessary that I should be made speedily acquainted with it, you will convey to me as early as possible by one of the schooners. She will find me at Thompson's Island.

Very respectfully, your obedient servant,
(Signed) D. PORTER.

Lieut. Commandant C. W. SKINNER, *U. S. Schooner Wild Cat.*

SEA GULL, *Matanzas, April* 16, 1823.

SIR: Proceed with the Wild Cat and Beagle, to give convoy from Havana next Sunday morning, after which, go to Thompson's Island, take in one month's provisions, and return to Havana, to give convoy every Saturday. Should you meet the Grayhound, inform the commander of my being here, and my wish to see him.

Very respectfully, your obedient servant,
(Signed) D. PORTER.

Lieutenant Commandant C. W. SKINNER.

SEA GULL, *Allenton, May* 19, 1823.

SIR: As soon as you are relieved by the Grayhound, you will fill your water and proceed to this place with the Wild Cat and Beagle, that they may undergo the necessary repairs.

(Signed) D. PORTER.

Directed to Lieutenant Commandant C. W. SKINNER.

SEA GULL, *Allenton, June* 18, 1823.

SIR: You will proceed to Havana, and deliver the letter bag of the Wild Cat to Messrs. Castillo, Black & Co., informing them you will leave there for the United States, on the 1st of July. You will then offer convoy, proceed to Matanzas, leave a letter bag with Messrs. Latting & Co., informing them you will sail on the 28th.

You will offer convoy from Matanzas, take in specie, return to Havana, take in specie from there for the United States, and return here for further orders, leaving Havana on the 1st of July.

Very respectfully, your obedient servant,

(Signed) D. PORTER.

Lieutenant Commandant C. W. SKINNER.

NAVY DEPARTMENT, *June* 19, 1824.

SIR: Circumstances have rendered it necessary to give to your cruise a direction which was not intended or anticipated, until within two or three days past.

You will receive such orders from Captain Kennedy as he shall transfer to you, relating to his cruise on the coast of Africa, and you will obey them, as if directed to yourself.

On Wednesday next, the Rev. Mr. Gurley will leave this, and on his arrival at Norfolk, you will receive him on board, and proceed without delay to the coast of Africa, touching at Cape Mesurada, and following, thence, the directions in your orders. It will probably be necessary for you to remain at the cape eight or ten days, in order that Mr. Gurley may accomplish what he is directed to do. He will return with you to the West Indies, where you will report to Commodore Porter. Mr. Gurley will return thence to the United States by the first opportunity.

I am, very respectfully, sir, your most obedient servant,

SAM'L L. SOUTHARD.

Lieutenant CHARLES W. SKINNER, *commanding U. S. Schooner Porpoise, Norfolk, Va.*

Copy of a letter from Lieutenant C. W. Skinner, commander of the United States Schooner Porpoise, enclosing copies of the correspondence referred to in the letter.

UNITED STATES SCHOONER PORPOISE, *Matanzas, October* 24, 1824.

SIR: I have the honor to inform you that, after leaving the convoy from Havana, I stretched in for this port, where I anchored on the evening of the 18th. On inquiry, I was informed no piracies had been recently committed in this vicinity. I, however, determined to dispatch the boats secretly from the harbor, and examine the adjacent bays and inlets. On the night of the 19th, I placed them under command of Lieutenant Hunter, and Acting Lieutenant Johnson, with orders to examine about Point Yeacos, Sewappa Bay, and Camrioca, places long notorious as a retreat for pirates. On the evening of the 22d, Lieutenant Hunter returned with a piratical schooner of one carriage gun, one new American cutter, and two other boats; one, having three men on board, he captured in Sewappa Bay. Every appearance justified the suspicion of piracy. The persons informed Lieutenaut Hunter their vessel had been taken by armed men; the boat they were in, given in exchange, with a promise of returning in a few days and restoring their vessel. The next day, off Camrioca, Lieutenant Hunter discovered a suspicious schooner standing to sea, in chase of a vessel in sight. On his approach, the schooner tacked, and made for the shore, closely pursued by the boats. The crew abandoned the vessel, and fled to the woods, where they were sought for in vain; she proved to be a pirate, mounting one gun, and small arms. From the number of nautical instruments, trunks of clothing, rigging, and sails, with three sets of American colors, found on board, she must have robbed several vessels. From stains of blood on the clothes, and other articles on board, I fear the unfortunate persons to whom they belonged must have been murdered. No papers were discovered which could lead to the name of the vessel or vessels captured; several articles of clothing were marked "Captain Shaw," a number with the initials "A. S." A bag on board was lettered "brig Morning Star's letter bag." One waistcoat contained in the pocket a printed card, "Mr. M. Loris' boarding house, Charleston, South Carolina," and appeared to have been newly printed. A medicine chest on board was put up in New York. I have delivered the prisoners to the Governor of Matanzas, and shall furnish him all the testimony in my power which can throw light on their character. The schooner I sent out last night, under command of Acting Lieutenant Brown, in hopes of decoying some of her former comrades. I sail with convoy to-morrow, and after joining the prize at sea, shall proceed to Thompson's Island for supplies, and return to the protection of commerce on this coast. I trust, sir, should the prize be sufficiently fortunate to meet with pirates, I shall have the pleasure to give a satisfactory account of them.

I do myself the honor to enclose the correspondence relative to the capture of the vessels and prisoners.

I have the honor to be, respectfully, sir, your obedient servant,

CH. W. SKINNER.

To the Hon. SAMUEL L. SOUTHARD, *Secretary of the Navy, Washington City.*

U. S. Ship John Adams, *Thompson's Island, December* 22, 1824.

Sir: You will proceed to Havana, where you will complete your provisions and stores, offer convoy to vessels bound into the Gulf of Mexico, and then proceed to the coast of Yucatan, run down to Campeachy, there offer convoy and protection, and from thence proceed to Alvarado, La Vera Cruz, and Tampico, remaining in the neighborhood of those places about six weeks, giving protection to our commerce, and governing yourself in all your proceedings by my general instructions of the 26th of February, 1823.

If, in the course of your stay in the gulf, our merchants should have specie to transport from one port or place, or to the United States, you will take it on board on the usual freight; taking special care that nothing like illicit shipments are made, and that nothing in the shape of public advertisements appear, or that anything is done that may be liable to misconstruction, or give rise to unfriendly comments; and above all, that your vessel is not made an object of commercial speculation and enterprise. Nothing in the shape of merchandise must be taken on board, except under the circumstances provided for by the act for the better government of the navy. Let all your proceedings in these respects be open; make known frankly to the authorities of the place your objects, and let your conduct be such as to remove all suspicions.

In the transportation of specie, an object of great importance to our country, we have a delicate duty to perform, and one which many believe is not obligatory on us. Confine yourself, however, strictly to your orders, and no remarks, whether publicly or privately made, need cause you pain.

After receiving the specie on board, proceed with the convoy, if any, to Havana, where you will await for further orders.

Respectfully, your obedient servant, D. PORTER.

Lieut. Commandant Chas. W. Skinner, *U. S. Schooner Porpoise.*

U. S. Ship John Adams, *Norfolk, January* 25, 1824.

Sir: When the U. S. schooner Porpoise shall have obtained a new crew, and received the necessary repairs, you will proceed with her to the coast of Africa, continuing along the coast in the usual track of slave-trading vessels, in pursuance of the general cruising instructions, and the acts of Congress for the suppression of the slave trade and capture of piratical vessels; copies of which, and of the laws relative thereto, you have enclosed.

While on the coast you will touch at the American settlement of free colored people; communicate with the agent of the Colonization Society; ascertain the state and condition of the colony—giving it such aid, assistance and protection, as it may stand in need of, and be in your power to furnish.

From thence, you will proceed to the coast of Guinea, and thence in the route usually traversed by vessels with slaves, which is mostly north of the Antilles and the keys to Cuba. You will, in your route, touch occasionally at some of the islands of the West Indies, to obtain news of piratical vessels; proceed to Matanzas, fill your water, and repair to Thompson's Island, where you will receive my further orders.

Wishing you a pleasant and successful cruise, I am, with great respect, your obedient servant,
D. PORTER.

Lieut. Commandant Skinner.

U. S. Galliot Sea Gull, *Havana, January* 23, 1825.

Sir: On your return to this place, from the Gulf of Mexico, should you have upwards of one hundred thousand dollars on board, for the United States, you will proceed with it to the most convenient port, land it, take in the necessary supplies for your vessel, and return to Thompson's Island.

Should you not have so large an amount on board, you will, after landing it here, proceed to Thompson's Island for further orders.

Very respectfully,
(Signed) D. PORTER.

Lieut. Commandant C. Skinner, *U. S. Schooner Porpoise.*

Sea Gull, *Port Rodgers, June* 12, 1823.

Sir: You will receive herewith eleven letters from the Captain General of Cuba to the military governors of Taraco, Bayamor, Gilaca, Batabano, Puerto Principe, Jaqua, Baracoa, Halquin, St. Juan de los Remedios, Trinidad de Cuba, and one from me to the admiral at Jamaica.

You will proceed with the United States schooner Beagle to deliver the above-mentioned letters, and, at the same time, keep in view the suppression of piracy.

It is my intention, on your return to this place, which must be within two months, to send your vessel to the United States. You will, therefore, take on board such sums of money as merchants may wish to ship in her, and on such terms of freight as you may think proper to establish with them.

Very respectfully, your obedient servant,
(Signed) D. PORTER.

Lieut. Commandant John T. Newton.

SEA GULL, *Port Rodgers, September* 1, 1823.

SIR: On your way to the United States, you will touch at Havana, and deliver the accompanying letters, receive such letters as the merchants may wish to send by you, and should specie be offered by them for the United States, you will take it on board at the usual freight.

Very respectfully, your obedient servant,

(Signed) D. PORTER.

Lieut. Commandant JOHN T. NEWTON.

U. S. SHIP JOHN ADAMS, *January* 13, 1824.

SIR: You will proceed to sea with the U. S. brig Spark and schooner Weasel, under your command, touch at St. Bartholomew and St. Thomas for information; run down the south side of Porto Rico, examine the Mona passage and Island of Mona; continue down the south side of St. Domingo, keeping well in shore; and from thence down the old Straits of Bahama to Matanzas, where you will land Dr. Anderson.

There have been two armed vessels carried off by their crews lately, one a ship from St. Bartholomew, belonging to the Colombian government, the other a brig belonging to Porto Rico, and they have both turned pirates.

The ship was called the Oronoke, formerly commanded by a Captain Nutter, but ran away with by the boatswain's mate (Wilson, an Englishman, with black hair and whiskers, grey eyes and a long, narrow face) and sixty of her crew.

Part of the officers were forcibly carried off and probably murdered. She is a black ship with a yellow streak, American sharp built, shows sixteen guns, low in the water, and sails fast; mast-head and spars painted white.

The brig was called the Scipio, and was carried off by sixty of her crew, from Margagues, Porto Rico. It is said she has plundered several vessels in the Mona passage.

Two small piratical vessels, sloop rigged, with pivot guns, have lately plundered the brig William Henry, Captain Lester, at the Island of Mona, where it is stated there is an establishment formed by the piratical population from Porto Rico, and it has been suggested that it would be the most certain means of capturing and destroying them to take possession of and destroy all the boats that can be found there, and thus cutting off their retreat; of this you can better decide when you get there.

It is said they are well armed, and supplied with provisions and ammunition. It is not improbable that you will find plunder deposited there; there is good anchorage on the west side.

After you leave St. Domingo, send the Weasel to Jamaica, with the enclosed letter for Commodore Sir Edward Owen; from thence around the west end of Cuba to Thompson's Island, to fill up your provisions; run down the coast of Yucatan, touch at Campeachy, and there offer protection and convoy to our vessels.

After executing these orders, you will then govern yourself by No. 2, herein enclosed.

Very respectfully, your obedient servant,

(Signed) D. PORTER.

Lieutenant Commandant JOHN T. NEWTON, *U. S. Brig Spark.*

U. S. SHIP JOHN ADAMS, *January* 13, 1824.

SIR: On your arrival at Campeachy, and after obeying my orders No. 1 of this date, you will proceed to Alvarado, Tampico, and La Vera Cruz, at one of which places you will in all probability find the U. S. schooner Shark, Lieutenant Commanding Stevens, who is there for the purpose of protecting the commerce of the United States, and giving conveyance to specie to this country.

You will open a correspondence with two of the agents of the Bank of the United States, now in Mexico, Messrs. Andrews and Crawford, and regulate your movements so as to receive on board your vessel such sums of money in any of the ports of Mexico, in the gulf, as they may designate; the money to be received on deck, and in parcels of not less than one thousand dollars, put up in good, substantial boxes, barrels, kegs or skins.

The money received from them is not to include any other than what belongs to the Bank of the United States, except on the usual terms of freight. All consignments, therefore, to the bank, and not the property of the bank, are to be taken on the terms usually given by merchants, and you will take the British rule for your guide.

When you shall have completed your freight, you will repair to Thompson's Island for further instructions. It is presumed that you will not find it necessary to remain in the gulf more than six weeks, and I shall endeavor to send a vessel to relieve you about the 1st of May next.

I have read to you the instructions of the honorable Secretary of the Navy, relative to transportation of treasures. I have no apprehension that you will go beyond the authority given; it is therefore needless to make any further communication to you on the subject. I will merely remark, however, that none of the vessels of war under my command must, on any account whatever, and under any inducement, be used for the purposes of commercial adventure. You can carry the treasure of our citizens from one port or place to another, and you can take it to the United States, but nothing in the shape of public advertisements must appear; and in all your intercourse with the authorities of the places you may visit, make frank acknowledgments of the motives which brought you there. Let all your transactions in this respect be open and not liable to misapprehension. Nothing whatever in the shape of clandestine shipments must be countenanced.

For the information of the government you will, on joining me, report to me the amount of treasures

on board your vessel, where taken from, where destined, and the circumstances, terms and conditions on which you have taken them.

Should I leave Thompson's Island before your arrival there, I shall leave orders for you. Should I send one of the small schooners to assist in the performance of your duties, you will enjoin on her commander the precautions to be observed in taking on board specie.

During your stay in the gulf, as well as on your passage out and home, you will seek every occasion to give protection to the persons and property of the citizens of the United States.

Wishing you a pleasant and profitable voyage, I am, sir, very respectfully, your obedient servant,

(Signed) D. PORTER.

Lieut. Com. JNO. T. NEWTON, *U. S. Brig Spark.*

WASHINGTON, *July* 12, 1824.

SIR: Understanding, from information communicated to me by the Secretary of the Navy, that the brig Spark, under your command, has arrived at the quarantine ground, New York, you are hereby required to have her got in readiness for sea as soon as practicable, and it is hoped she will be ready to sail about the middle of August.

Very respectfully, your obedient servant,

(Signed) D. PORTER.

Lieut. Com. JNO. T. NEWTON.

U. S. SHIP JOHN ADAMS, *April* 27, 1824.

SIR: After landing what money you may have on board for Havana, you will proceed to New York, with such as you may have in for the United States, and as soon after the delivery of the same as possible, you will return to Thompson's Island, touching on your way at St. Barts, St. Thomas and Matanzas. Should you find no orders here, you will proceed to the Gulf of Mexico, and act in conformity with the course prescribed to you in my letter of January 13, 1824, No. 2.

Very respectfully, your obedient servant,

(Signed) D. PORTER.

Lieut. Com. JNO. T. NEWTON.

U. S. SHIP PEACOCK, *Allenton, April* 12, 1823.

SIR: The two schooners, the Terrier and Ferret, are to be got ready for sea as soon as possible, and so soon as Captain Cassin returns from his cruise, you will proceed with them to Cape Antonio, and remain in the neighborhood of that place, until a renewal of your supplies makes your return here necessary.

Very respectfully, your obedient servant,

(Signed) D. PORTER.

Lieut. Com. R. M. ROSE, *U. S. Navy.*

U. S. STEAM GALLIOT SEA GULL, *Matanzas, May* 4, 1823.

SIR: You will proceed to sea with the two schooners, and give convoy as far as the Double Headed Shot Keys, if necessary, thence to Key Sal, then across to the keys to the windward of Point Yeacos, down the coast of Cuba to Cape Antonio, around to Trinidada, on the south side, and if your provisions will hold out, and there should be no necessity for your continuance in that neighborhood, you will make the circuit of Cuba, returning to Thompson's Island by the way of the old Straits of Bahama, giving every suspicious place a thorough examination.

With great respect, your obedient servant,

(Signed) D. PORTER.

Lieut. Com. R. M. ROSE.

Lieutenant Commandant R. M. Rose:

There has been a report of piracy at or near Keytaca. Captain Rose will proceed there and ascertain the grounds of the report, taking with him the Midge, under the command of Lieutenant Boughen, and act according to circumstances.

It will be desirable to proceed to-night or to-morrow morning, early, and to work up inside the reef.

(Signed) D. PORTER.

SEA GULL, *Port Rodgers, June* 18, 1823.

SEA GULL *Allenton, July* 1, 1823.

SIR: You will proceed to Havana, land the two Spaniards, deliver to the captain general the accompanying package, and offer to bring over any claimant of the detained property who may wish to come.

You will place the letter bag of the Terrier in the counting-house of Messrs. Castillo, Black, & Co., informing them you will leave there, for the United States, on the 15th of July.

You will there offer convoy; proceed to Matanzas, leave a letter bag with Messrs. Latting & Co., informing them you will sail on the 12th.

You will offer convoy from Matanzas; take in specie; return to Havana; take in specie from there, and return here for further orders, leaving Havana on the 15th of July.

With great respect, your obedient servant,

(Signed) D. PORTER.

Lieutenant Commandant R. M. ROSE.

[Extract.]

SEA GULL, *Port Rodgers, July* 13, 1823.

SIR: You will proceed to prepare the Weasel for a cruise, with all dispatch.

(Signed) D. PORTER.

Lieutenant Commandant BEVERLY KENNON.

SEA GULL, *Port Rodgers, July* 19, 1823.

SIR: When the Weasel shall be ready for sea, you will proceed to cruise for two weeks on the coast of Cuba, between Havana and Cape Antonio, at the expiration of which time you will return to this place.

Very respectfully, your obedient servant,

(Signed) D. PORTER.

Lieutenant Commandant B. KENNON.

SEA GULL, *Port Rodgers, July* 25, 1823.

SIR: I have directed Lieutenant Commandant Ritchie, who is cruising off Havana, to place himself and vessel under your command.

You can exercise your own discretion, whether to cruise to leeward or to windward of Havana.

It is my intention to send you home, and that you shall leave Havana for this place on the 15th of August. You can, therefore, leave a letter bag with Messrs. Castillo, Black & Co., calling for it on your return from your cruise, and taking on board specie, if any offers, for the United States, at 2½ per cent. freight.

From Havana, you will proceed here for further orders.

Very respectfully, your obedient servant,

(Signed) D. PORTER.

Lieut. Com. B. KENNON.

SEA GULL, *Port Rodgers, August* 14, 1823.

SIR: You will proceed to Washington city with the United States schooner Weasel, reporting her arrival to the honorable Secretary of the Navy, for such changes in the officers as may be necessary, and to fill up the crew—those being the objects of sending her home. When the necessary changes have been completed, she is to return to this place by the way of Crooked Island, or Caucus passages, running down the old Straits of Bahama, touching at Baracoa and Matanzas, showing yourself off Havana, and giving the whole coast a thorough examination.

It is extremely desirable that no unnecessary delay should take place in the United States, as the services of the Weasel will be wanted, and any delay will prevent my carrying into effect the arrangement of the periodical sailing of vessels from here.

I should presume that the vessel might leave the United States to return to her station, in one week from the time of her arrival; and, if you leave her, whoever may be your successor, I wish you to impress this on his mind, giving him a copy of this order.

In case you resign the command, there is no absolute necessity, should any difficulty occur, in sending a commander in her, as Mr. Randolph can bring her out, and the command can then be given to one of the old lieutenants on the station, some of whom are entitled to her.

With the assurance that it will ever afford me pleasure to be associated with you on duty, please to accept my best wishes for a speedy and pleasant passage, and a happy sight of your friends.

Very respectfully, your obedient servant,

(Signed) D. PORTER.

Lieut. Com. BEVERLY KENNON.

NAVY DEPARTMENT, *December* 7, 1822.

SIR: Soon as the United States schooner Grampus shall be completely equipped for sea, proceed direct to the Havana, and resume your former cruise about the Island of Cuba, for the suppression of piracies, under your former instructions. John Warner, Esq., consul for the port of Havana, has permission to embark on board, to be landed at Havana.

I am, respectfully, &c.,

(Signed) SMITH THOMPSON.

Lt. Com. F. H. GREGORY, *commanding U. S. Schooner Grampus, New York.*

U. S. GALLIOT SEA GULL, *Allenton, May* 6, 1823.

SIR: So soon as you receive this, you will repair to this place, where the services of the Grampus are much wanting.

Very respectfully, your obedient servant,

(Signed) D. PORTER.

Lt. Com. F. H. GREGORY.

SEA GULL, *Port Rodgers, June* 13, 1823.

SIR: So soon as the Grampus shall be ready for sea, you will proceed to Matanzas, taking with you the barge Gnat, for the purpose of giving to our commerce there all the protection in your power against piracy, until you are relieved.

It will be well to visit occasionally the by places between Point Eycaco, Cayo Blanco, and Havana, if you can do so without leaving our merchant vessels unprotected.

You will be governed in the performance of your duties by my general instructions of the 26th of February.

Very respectfully, your obedient servant,

(Signed) D. PORTER.

Lt. Com. F. H. GREGORY.

Lieutenant Commandant Gregory to Commodore Porter.

U. S. SCHOONER GRAMPUS, *Thompson's Island, July* 3, 1823.

SIR: I have the honor to inform you that this vessel sailed from the Balize, on the 24th of April, with a convoy for Tabasco, where she arrived on the 1st of May. Sailed thence again on the 6th, with convoy, towards Vera Cruz; parted with the convoy on the 9th, and arrived at Campeachy on the 13th, where I received information of several piracies committed upon the merchant vessels of the United States; and that the coast of Yucatan, from Cape Catoche to Lagona, was then infested by several gangs of pirates, who had been guilty of every atrocity imaginable. Finding there were a very considerable number of merchant ships at the several ports upon that coast, unprotected, and others arriving almost daily, I continued thereabouts until the 25th of June, scouring the coast up and down; and, occasionally, when any information was had which offered the least chance of detecting those villains, the boats were employed, and sometimes were sent along the coast twenty and thirty leagues from the vessel. On the 22d of May, I chased a schooner ashore to windward of Sisal, which I have no doubt was a pirate, from his appearance and conduct; as it was in the night, and upon a part of the coast where I was not sufficiently acquainted, and blowing fresh upon the shore, I had not an opportunity of completing his destruction. On the 11th of June, I seized a suspicious vessel in the harbor of Campeachy, and resigned her to the authorities there, on that account. This last vessel had just come from New Malaga, or Vigia de Chiguila, a little to the windward of Cape Catoche, where the pirates have a very considerable establishment, and came down to Campeachy for the purpose of procuring stores for a vessel then preparing for a cruise. Two seamen, who had been held as prisoners at New Malaga, informed me that this gang were sometimes a hundred and upwards in number; that they held possession of a small fort, having two twenty-four pounders; and that an officer, named Molla, who had been placed there by the government, had joined them. This was corroborated by the authorities of Campeachy, who requested me to land and destroy the place. The pirates issue from their post in barges, small vessels, and in canoes, hover along the shores, enter the harbors, murder and destroy almost all that fall in their power. On the 2d of June, the American schooner Shibbolit, Captain Perry, of New York, being then ready for sea, was boarded by a canoe, having fourteen of those villains on board; the watch was instantly murdered, eight others of the crew were put in the forecastle, the hatch spiked down, a ton or more of logwood put over it, the head sails set, the wind off shore, and fire put to the vessel in the cabin. By the most extraordinary exertions, these men broke out in time to save their lives. I arrived while the vessel was burning down. The same canoe then proceeded to windward, and two days afterwards took the schooner Augustus and John, off Sisal, and burnt her, having turned the crew adrift in a small boat, with every probability of their perishing. The people of the country were much exasperated, and turned out to hunt them from their shores.

A party of dragoons having met them, a skirmish ensued, wherein the captain of dragoons, and several of his men, were killed, and the pirates, taking to their boats, escaped. One of the seamen I mentioned as having been amongst them, stated that he belonged to an English schooner from New Providence, called the Flyer; that the crew, with the exception of himself, were instantly butchered. He was detained by them about two months, during which time they had captured nine vessels, some of

which were brought in, but the principal part destroyed; and, in some instances, he was certain that the whole crews were murdered. When he left the place, (about twenty days since,) they had a Guineaman, with two hundred slaves, and a large quantity of ivory; two small schooners, Americans. And an English cutter informed me that the pirates had a direct and uninterrupted intercourse with Havana, by means of small coasting vessels that ran regularly to the ports on the coast, and always touched at New Malaga. Frequently, some of them would go up to the Havana, and others of the gang come down.

That this infernal horde of villains have established themselves at New Malaga, I have no doubt; and, from the information given me by men of the first respectability at Campeachy, Sisal, and other places on the coast, I believe the pirates have been guilty of all the acts as herein stated.

I have the honor to be, very respectfully, your most obedient servant,

FRANCIS H. GREGORY, *Lieut. Com. U. S. Navy.*

Com. DAVID PORTER, *commanding U. S. Naval Forces, West India Station.*

SEA GULL, *Port Rodgers, July* 4, 1823.

SIR: You will proceed to or near Key Vacas, in search of an armed schooner called the Centilla, and sailing under the Colombian flag, which has lately captured and sent to that place several Spanish vessels, which have been perfectly wrecked there, and the cargoes sold.

On meeting said vessel, you will require her commander to come with her to this place, and, should he refuse to do so, you will take possession of her, and bring her in. The captain of the Centilla claims for her the character of a national vessel. It is therefore desirable that no violence should be used, if it is possible to avoid it, as I can have no disposition or wish to offer any insult whatever to the officers or flag of any nation in amity with the United States. But as the conduct of the officers and crew of the Centilla has been such as to produce doubts as to her real character, and as they have disregarded and violated the neutral character and laws of the United States, and, by the wrecking on our coast, and selling of prizes before condemnation, committed piracy, the flag of Colombia must not protect them. The Centilla must be brought in here, and such of her crew and prizes as you may fall in with.

Force is only to be used in the last resort, and when every other means have failed. But, if necessary, it must be used until she submit.

Lieut. Rodgers, of the marines, can give you any information respecting her; and, if you learn from him that she has left the coast, you will return to this place.

Very respectfully, your obedient servant,

(Signed) D. PORTER,

Commanding U. S. Naval Forces in the West Indies and Gulf of Mexico.

Lieut. Com. F. H. GREGORY, *commanding U. S. Schooner Grampus.*

PORT RODGERS, *Thompson's Island, September* 16, 1823.

SIR: On your arrival here, you will set all the carpenters you can muster at work on the house building for the marine officers; you will take the brig, fitting for an hospital, and moor her carefully and securely at the upper part, and on the east side of the harbor.

You will use, for this purpose, one of the chain cables and anchors on shore, (she has a chain and anchor on board,) after which, you will please to finish her by laying her berth deck and laying a tier of cribs above and below on each side amidships, and finishing off with rough boards a snug cabin for the commander and surgeon, and closing her in all around on the outside with the same, leaving sufficient openings for ventilators, and for hoisting things in by fore and main yards; then all the new work must be whitewashed.

The hull of the brig is to be painted pretty much as it is now; this will take you about a fortnight or three weeks.

The barges are, however, in the first place, to be hauled up and carefully housed, and Mr. Platt is to take care of all the bargemen, until the arrival of the Hornet, when he will join her, with all of his officers and men.

After you have performed these duties, you will proceed to Campeachy, La Vera Cruz and Tampico, for the protection of our commerce, for six weeks or two months, and receive on board all moneys which may offer you, the destination of which is to the United States. You will proceed to Norfolk with it, where you will report to me at Washington.

You will touch at this place on your way home, as there is a possibility of my being here again by that time.

While you are here let your surgeons give all the aid in their power.

Very respectfully, your obedient servant, D. PORTER.

Lieut. Commandant F. H. GREGORY.

U. S. SHIP JOHN ADAMS, *Thompson's Island, January* 28, 1824.

SIR: You will proceed down along the Colorados reef in search of the two barges, Gallinipper and Diabletta, as far as Cape Antonio, and should you meet them you will deliver to the officer in command of them the enclosed orders for their return to this place, after which you will return to Matanzas, for the purpose of giving protection to our commerce there, in conformity with my former instructions.

Very respectfully,

(Signed) D. PORTER.

Lieut. Commandant MCKEEVER.

WASHINGTON, *August* 11, 1824.

SIR: As soon as the United States steam galliot Sea Gull shall have completed her repairs, and be in every respect ready for sea, you will proceed with her to New York, there to wait my further orders.

Very respectfully, your obedient servant,

(Signed) D. PORTER.

Lieut. Commandant ISAAC MCKEEVER, *New York.*

WASHINGTON, *October* 20, 1824.

SIR: You will proceed with the United States galliot Sea Gull, under your command, as speedily as possible to Matanzas, for the protection of our commerce there, and thence to Thompson's Island, where you will report yourself to the senior officer on the station for further instructions.

Very respectfully,

(Signed) D. PORTER.

Lieut. Commandant MCKEEVER.

U. S. SHIP JOHN ADAMS, *Thompson's Island, January* 5, 1825.

SIR: You will leave Lieutenant Bell in charge of the duties which have been assigned to you, in the neighborhood of Matanzas, with the two small schooners and the barges, and you will proceed with the Sea Gull to this place, touching at Havana.

You will please to bring with you all the letters and newspapers for myself and the officers here; and if Col. John Mifflin, of this place, and now at Havana, should wish to come over with you, I will thank you to give him a passage.

Very respectfully, your obedient servant,

(Signed) D. PORTER.

Lieut. Commandant I. MCKEEVER.

U. S. SHIP JOHN ADAMS, *January* 13, 1824.

SIR: On receiving your provisions and water at Thompson's Island, after parting with the Spark, you will proceed to the coast of Yucatan, running down the coast from Cape Catoche to Campeachy; look in at Campeachy; then proceed to Alvarado, La Vera Cruz, and Tampico, at one of which places you will find the United States brig Spark, Lieutenant Commandant Newton, who will be there for the purpose of giving protection to our commerce, and the conveyance of specie to the United States.

If it is found that you can be advantageously employed in these duties, Lieut. Commandant Newton will be instructed to employ you there, and if not to send you back to Thompson's Island.

Very respectfully, your obedient servant,

D. PORTER.

Lieut. Commandant JOHN P. ZANTZINGER, *United States Schooner Weasel.*

WASHINGTON, *July* 13, 1824.

SIR: I have received your communication of the 12th, which is satisfactory. There is an absolute necessity for your return to the West Indies immediately. Your orders will therefore be issued to-morrow.

Very respectfully, your obedient servant, D. PORTER.

Lieut. Commandant JOHN P. ZANTZINGER.

WASHINGTON, *July* 14, 1824.

SIR: You will proceed to the West Indies, touching at St. Bartholomew, St. Thomas, and running down the south side of Porto Rico and Cuba, touching, if necessary, at Jamaica, examining for pirates, and offering convoy and protection to the property and persons of our citizens, according to my general instructions.

You will then proceed around Cape Antonio to Thompson's Island, where you will fill up your provisions, and proceed thence to the port of Havana, and offer convoy to the Gulf of Mexico, running down the coast of Yucatan, touching at Campeachy, Alvarado, La Vera Cruz and Tampico, giving all the protection in your power to our commerce.

If, in the course of your cruise our citizens should wish specie carried from one port or place to another, you can take it on board under the restrictions formerly laid down to you, and on your arrival in the gulf, if there should be any considerable quantity to be taken to New Orleans, you can proceed there with it under like instructions. If it should be the opinion of the merchants at New Orleans, or the commanding naval officer, that the Weasel can be usefully employed between Tampico and that port,

you can remain there six months, reporting to me from time to time; but if not, you will return with specie to the United States, touching at Havana and Thompson's Island for orders.

In the whole of your cruise, do not lose sight of the main object, the protection of the property and persons of our fellow citizens.

Very respectfully, your obedient servant,
(Signed) D. PORTER.

Lieut. Commandant JNO. P. ZANTZINGER.

SEA GULL, *Port Rodgers, August* 10, 1823.

SIR: You will proceed with the U. S. brig Spark, under your command, off Havana, where you will offer convoy, and after the vessels shall be well off from the land, you will run down, examining the coast to Cape Antonio; thence around the south side of Cuba to the Isle of Pines and Trinidad, where you will offer protection and convoy.

Should there be information of pirates in that neighborhood that will, in your opinion, make your stay there necessary, you will continue to cruise about there for a reasonable length of time; you then will proceed to windward, examining the coast to Cape Cruz, where it is probable there are pirates, of which Lieut. Com. Kearney will give you particular information. These you will endeavor to capture and put to rout, giving the place a thorough examination.

From Cape Cruz proceed to St. Jago de Cuba, and there offer protection and convoy, remaining in the neighborhood of the place as long as in your judgment your presence may be required.

From thence continue your cruise to the east, around Cape Mayzi, thence down the north coast to Baracoa, there offering protection and convoy, and exercising your judgment as to the period of your stay about there.

Continue to examine the coast from thence down to Matanzas, through the Old Straits. At Matanzas you will, if necessary, fill up your water and offer convoy; then proceed off Havana, offer convoy, and return to this place.

Throughout your course you will endeavor by every means in your power to preserve the health of your crew, by avoiding infected places, by great attention to their comfort and cleanliness, and by preventing unnecessary exposure.

The object of the course being the suppression of piracy and the slave trade, reference, as your guide in the performance of these duties, is to be had to my general instructions, of the 26th February last.

Very respectfully, your obedient servant,
(Signed) D. PORTER.

Lieut. Com. E. R. SHUBRICK, *Brig Spark.*

WASHINGTON, *October* 29, 1823.

SIR: When you shall have performed the duties required of you by my instructions of the ——, you will proceed to the coast of Yucatan, running down toward Campeachy, thence to La Vera Cruz and Tampico, giving such protection as may be in your power to the commerce and citizens of the United States, against unlawful interruptions.

Should merchants and others have specie to transport to the United States, you will take it on board, proceed to the port most convenient for their purpose, touching on your way at Thompson's Island, Havana, and Matanzas, for orders; and, in the event of not receiving any, you will, after landing your specie, return to Matanzas with all practicable dispatch, to receive my further instructions.

Very respectfully,
(Signed) D. PORTER.

Lieut. Com. E. R. SHUBRICK, *Brig Spark.*

WASHINGTON, *August* 11, 1824.

SIR: So soon as the U. S. schooner Ferret shall be in every respect ready for sea, you will proceed to the West Indies, running down through the islands, to ascertain whether our commerce requires protection; and if, in the course of your route, you should find protection necessary, you will afford it as far as your means will allow, governing yourself strictly in this respect by the general cruising instructions, and the orders of your predecessor.

You will run down the south side of Cuba, touching at St. Jago and Trinidad, examining the intermediate places, and then go round Cape Antonio, to Thompson's Island, where you will report to the senior officer there for further instructions.

At every place you touch, offer your vessel for convoy and protection.

Very respectfully, your obedient servant,
(Signed) D. PORTER.

Lieut. Com. T. H. BELL.

WASHINGTON, *August* 12, 1824.

SIR: So soon as the United States schooner Ferret, under your command, shall be ready for sea, you will repair to Thompson's Island, and report yourself to the commanding officer there for further duty. On your way to the island, you will touch at Matanzas, and afford such protection to our commerce there

as may be necessary. In the suppression of piracy and the slave trade, in the protection of the persons and property of citizens of the United States, and in your intercourse with foreign officers, you will be governed by my general cruising instructions and other orders, which you will receive from Acting Lieutenant Farragut.

Very respectfully, your obedient servant,

(Signed) D. PORTER.

Lieut. Com. T. H. Bell.

U. S. Ship John Adams, *Thompson's Island, January* 5, 1825.

Sir: With the two schooners Ferret and Terrier, and the barges Musquito and Diabletta, you will take charge of the protection of the commerce of Matanzas, and the suppression of piracy in that neighborhood, until further orders. My general instructions of the 182 will be your guide in all cases where they can be applied.

You will call on Lating, Adams & Co. for such occasional and indispensable supplies as may be required for the vessel.

Very respectfully, your obedient servant,

(Signed) D. PORTER.

Lieutenant Commandant Bell.

[Extract.]

Washington, *December* 21, 1822.

Sir: You will proceed to Norfolk with the eight schooners purchased for the suppression of piracy, and deliver them to the commandant of the Navy yard, to be manned and equipped.

As I have explained to you my ideas, generally, as to the manner of equipping these vessels, I shall refer Captain Warrington to you for information, time not allowing of my going into detail. They will each have on board three lieutenants, three midshipmen, a surgeon's mate, and twenty-four petty officers, seamen and marines, and boys; therefore, accommodation must be procured for that number.

(Signed) D. PORTER.

Directed to Lieutenant J. Newell, *U. S. Navy.*

Norfolk, *February* 8, 1823.

Sir: When the two schooners of which you have the charge shall be prepared, with the barges, &c., you will proceed with them to Thompson's Island, and there land their cargoes, after which you will place the barges in a condition for service, and await my arrival. The schooner hired by the month you will keep with you, the other you will discharge as soon as possible.

In landing the materials for building, you will consult, as far as practicable, our ultimate convenience. Midshipman Morehead, who will go out with you, has been some time on the island, and can give you much useful information relative thereto.

The circuitous route which I shall take with the squadron will prevent, in all probability, my arriving so soon as yourself. You will therefore have an opportunity of making yourself well acquainted with the harbor and navigation; and you will please to place buoys, of casks, to point out the deepest water, keeping a look-out for me in the offing, in order that you may give me your aid in taking the vessels to the best anchorage.

(Signed) D. PORTER.

Lieutenant Thos. Newell.

United States Ship Peacock, *Allenton, April* 10, 1823.

Sir: So soon as the schooner Mary, now called the Trap, shall be ready for sea with her provisions and stores, you will take on board a detachment of marines, and stretch over to the coast of Cuba, throwing yourself in the way of open boats from the shore, and making your way slowly down toward Cape Antonio, where I shall expect to find you after I have visited, with the steam vessel and barges, the coast to windward of Matanzas.

There is anchorage under the lee of the cape, and at Cape Conantas; and as I shall depend on you for my provisions and coal, it will be best for you to anchor at one of those places; but be careful to guard against a surprise, and also to conceal your force.

Accompanying this, you will receive a set of general instructions for your government.

Very respectfully, your obedient servant,

(Signed) D. PORTER.

Lieutenant Commandant Thos. Newell, *U. S. Schooner Trap.*

Sea Gull, *Port Rodgers, June* 12, 1823.

Sir: You will proceed with the schooner Ferret under your command, to the south side of Cuba, to give protection to our commerce in that quarter; and when your provisions shall have been expended, you will return to this place.

It is my intention to send you to the United States, soon after your return; you can therefore take on board any sum of money which merchants may have to ship, and on such terms of freight as you can agree on.

Very respectfully, your obedient servant,
(Signed) D. PORTER.

Lieutenant Commandant T. M. NEWELL.

Lieutenant Commandant Newell to Commodore Porter.

UNITED STATES SCHOONER FERRET, *Thompson's Island, June* 25, 1823.

SIR: Pursuant to your instructions, I left this place on the 14th inst., on a cruise to Trinidad, on the south side of Cuba, in company with the Beagle, Captain Newton. On the second day we parted company, and on the third day I made the Havana, (on my way to Matanzas;) from thence I commenced a diligent search in all the by ports and bays. On Tuesday sent my boat into Canised, and obtained information that some pirates were still lurking about the coast. During that night I kept close in with the land, and on Wednesday at 10 A. M. discovered an armed barge, with sixteen oars, and well manned, in a small bay, called Bacuna Yeauga. I immediately sent Lieutenant Dorning, with five men, the most my boat could carry, to examine all the boats, there being seven in number. He approached within fifty yards of the barge, when the crew showed their character by opening a fire on him with musketry and blunderbusses, which, fortunately, did no other damage than nearly to sink the boat, she having received a ball at the water edge. Five other ones were found in the boat, which, being nearly spent, had struck the water, and innocently jumped into her. My boat, at no time suitable for the transportation of men, and now rendered useless, induced me to take possession of a small coaster that was near, and manned her with fifteen men, and at that time intended to stand in, if possible, with the Ferret, in order to cover the men while they took possession of the barge, which then had the American colors, union down; but, on approaching, found that the channel would not admit of my entering. It then blowing very hard, and a heavy sea on, I deemed it proper to recall the coaster, which had like to have gotten ashore: for, had that catastrophe occurred, I question much whether the pirates would have had the gratification of butchering them, as they certainly would have been drowned. The sea was then breaking with great violence over the reef that covered the bay. I was then compelled to resort to making tacks, close in with the reef, and giving them long tom, with round and grape, in hopes to destroy the boats—as to killing any of them it was impossible: for, on the approach of the Ferret, they would completely secure themselves behind the rocks and trees, which hung all around the harbor; but this I was frustrated in, by the enormous roughness of the sea; and, the wind being on shore, prevented me from taking any position from which I could annoy them much. Finding it impossible to do anything with the means then in my power, I stood out to sea, in hopes to fall in with some vessel from which I could get a suitable boat, (but, I am sorry to say, that it was not until next morning that my wishes were obtained,) and, if that could not be done, to push to Matanzas, to concert a plan with the governor, by which the pirates, as well as their boats, may be taken. I, however, obtained a boat from an English vessel, and immediately bore up for the same place, which was then but a short distance off. I had not run but a short time, when I discovered a Spanish brig of war lying to, off the bay, which proved to be the Matae. On the report being sent to the Governor of Matanzas, that one of the United States schooners was engaged with the pirates, he dispatched this brig, and at the same time took with him a land force, and had cruised there a few minutes before me, and had taken possession of a small schooner boat the pirates had abandoned, and which lay on the beach. I sent in my boat after he had left, and ordered a search, when two of the boats I had seen the day I attacked them, were found, well sunk, up a lagoon, which, upon further examination, extended several miles into the island, and have no doubt but that the large barge is now at the head of it; but, not being prepared with boats, I did not think it proper to send my boats out from the Ferret. The two boats I have brought over, and shall await your orders relative thereto.

On my arrival at Matanzas, I found my mainmast very dangerously sprung, which has made it necessary for me to return here, but not until I had given convoy to eight of our merchantmen from Matanzas and Havana.

I have the honor to be, sir, very respectfully, you obedient servant,

THOMAS M. NEWELL.

Com. DAVID PORTER, *Commander of the United States Naval Forces, West India Station.*

SEA GULL, *Port Rodgers, July* 13, 1823.

SIR: After landing the persons, you will run down the coast to Artigasa to search for some cannon and ball left there by a pirate, which you will take on board if you find them.

You will then look in at Cayo Blanco, on the eastern part of the Colorados, and return to this place.

Very respectfully, your obedient servant,
(Signed) D. PORTER.

Lieut. Commandant THOMAS M. NEWELL.

Lieutenant Commandant Newell to Commodore Porter.

U. S. SCHOONER FERRET, *Port Rodgers, July* 23, 1823.

SIR: I have the honor to report to you that, after delivering the pirates at Havana, I cruised down the coast of Cuba to the windward, as far as Cayo Blanco, and examined every creek and harbor. After

searching and diving for sometime at Artigos, (a small hidden river,) I found the guns you alluded to in your instructions; also, a new gun carriage, calculated for a twenty-four pounder, was taken from the mangroves, where the pirates had carefully hidden it. My vessel being so much lumbered up, I could not bring it; I therefore cut it up, and saved the irons; the guns taken are five in number—one long six-pounder, one short six-pounder, one nine-pounder carronade, and two long threes; the latter well mounted, and appear to have been very recently placed there.

I then returned to Havana, and, on Sunday last, gave convoy to six American, and one Danish ship.

I have the honor to be, sir, very respectfully, your obedient servant,

THOMAS M. NEWELL.

Com. D. PORTER, *commanding U. S. Naval Forces in the West Indies and Gulf of Mexico.*

SEA GULL, *Port Rodgers, July* 24, 1823.

SIR: You will proceed with the schooner Ferret, under your command, to Havana, leave your letter bag at the counting house of Messrs. Castillo, Black & Co.; offer convoy; continue cruising in the neighborhood, for the protection of our commerce; and should merchants or others wish to avail themselves of this opportunity to send specie to the United States, you can take it on board at the usual freight, leaving Havana on the 1st of August and returning to this place for further orders.

Very respectfully your obedient servant,

(Signed) D. PORTER.

Lieut. Commandant THOMAS M. NEWELL.

[Extract.]

SEA GULL, *Port Rodgers, August* 1, 1823.

SIR: You will proceed to Washington with the United States schooner Ferret, reporting her arrival to the Hon. Secretary of the Navy, for such changes in the officers as may be necessary, and to fill up her crew, these being the objects of sending her home. When the necessary changes have been completed, she is to return to this place by the way of Crooked Island, or Caicos passages, running down the old Straits of Bahama, touching at Baracoa and Matanzas, showing yourself off Havana, and giving the whole coast a thorough examination.

It is extremely desirable that no unnecessary delay should take place in the United States, as the services of the Ferret will be wanted, and any unnecessary delay will prevent my carrying into effect the arrangements of the periodical sailing of vessels from here.

(Signed) D. PORTER.

Directed to Lieut. Commandant THOMAS M. NEWELL.

[Extract.]

SEA GULL, *Port Rodgers, July* 19, 1823.

SIR: You will proceed to Havana to give protection to our commerce; and you will communicate with Messrs. Castillo & Black every day.

Should they have any communications for me, you will lose no time in conveying them to this place.

(Signed) D. PORTER.

Directed to Lieut. Commandant JNO. T. RITCHIE.

SEA GULL, *Port Rodgers, July* 25, 1823.

SIR: You will place yourself and vessel under the command of Lieut. Com. Kennon.

Very respectfully, your obedient servant,

D. PORTER.

Lieut. Commandant JNO. RITCHIE, *Schooner Fox.*

SEA GULL, *Port Rodgers, August* 8, 1823.

SIR: You will proceed to Havana with the U. S. schooner FOX, and place yourself under the command of Captain Sidney Smith.

Should Captain Smith have left Havana, you will proceed with all possible dispatch to a place called New Malaga, near Cape Catoche, on the coast of Yucatan, where it is said there is a piratical establishment; and in the event of your not finding Captain Smith there, you will proceed to obtain all the information in your power with regard to said establishment, and return to this place with all possible dispatch.

You will endeavor to ascertain whether a British force has gone against it, how far it has extended its operations, and whether successful or otherwise.

Very respectfully, your obedient servant,

(Signed) D. PORTER.

Lieut. Commandant J. T. RITCHIE.

Lieutenant Commandant Ritchie to Commodore Porter.

U. S. Schooner Fox, *August* 29, 1823.

Sir: In compliance with your instructions, of the 8th ultimo, I proceeded to the coast of Yucatan, to ascertain the situation of a piratical establishment, said to be there. On the 14th, I arrived off the port of New Madrid, (New Malaga) and immediately sent a boat to obtain all the information possible, relative to the situation and character of the fortification.

It gives me great pleasure to inform you that the establishment alluded to is a fortification for the protection of the town of New Malaga, recently established there for commercial purposes, and that no pirates have been heard of on that coast for some time.

The enclosed letter from the commandant at that place, in answer to a letter addressed to him, by me, will, no doubt fully explain their character; also, a letter from the commander of H. B. M. brig Scout, on the subject of the attack on the *fort*, which, no doubt, gave rise to the report of its being a piratical establishment, and the answer thereto upon that subject.

I am, sir, very respectfully, your obedient servant,

JOHN T. RITCHIE.

Com. D. Porter, *commanding West India Station.*

Port Rodgers, *Thompson's Island, September* 16, 1823.

Sir: You will proceed to Washington without delay, touching at Norfolk to land your specie. On your arrival you will report yourself to the Secretary of the Navy and Navy Commissioners for repairs.

You will inform them that I am on my way home in the Sea Gull.

Very respectfully, your obedient servant,

D. PORTER.

Lieut. Commandant Jno. T. Ritchie.

United States Ship John Adams, *Thompson's Island, April* 16, 1824.

Sir: You will proceed with the Fox, accompanied by the Beagle, Lieutenant Commandant Cross, to the Colorado reef, and endeavor there to join and co-operate with the Sea Gull and barges under the command of Captain Wilkinson, in pursuit of pirates.

Should you not join Captain Wilkinson before reaching Cape Antonio, you will wait his arrival there, near which place you will find the Grayhound. You will receive from him your further orders.

Very respectfully, your obedient servant,

D. PORTER.

Lieut. Commandant John T. Ritchie.

U. S. Ship John Adams, *Thompson's Island, April* 12, 1824.

Sir: You will proceed to Havana, and should any of our merchants have specie for New Orleans, you will take it on board on the usual freight, and proceed to that place.

From thence you will proceed to Tampico, and continue to ply between that place and New Orleans, giving such protection to our commerce in that quarter as may be in your power.

Endeavor to make your arrival and departure as regular as possible, in order that persons requiring your protection may be enabled to make their arrangements accordingly.

You will make all your requisitions, and receive all your supplies of provisions in New Orleans, and report yourself at every arrival and departure to the commanding officer there, and you will seek every opportunity of communicating with me.

You will return to this place by the first of October, unless otherwise instructed, and you may touch at Havana before coming here, for the purpose of landing specie.

I have read to you the instructions of the honorable Secretary of the Navy, relative to the transportation of treasures; I have no apprehensions that you will go beyond the authority given—it is therefore needless to make any further communication to you on the subject. I will merely remark, however, that none of the vessels of war under my command must on any account whatever, and under any inducement, be used for the purposes of commercial adventure.

You can carry the treasure of our citizens from one port or place to another, and you can take it to the United States, but nothing in the shape of public advertisements must appear; and in all your intercourse with the authorities of the places you may visit, make frank acknowledgments of the motives which brought you there. Let all your transactions in this respect be open, and not liable to misapprehension. Nothing, whatever, in the shape of clandestine shipments must be countenanced.

For the information of the government, you will, on joining me, report to me the amount of treasures which you have on board your vessel, where taken from, where destined, and the circumstances, terms, and conditions on which you have taken them.

During your stay in the gulf, as well as on your passage out and home, you will seek every occasion to give protection to the persons and property of the citizens of the United States.

Wishing you a pleasant and a profitable cruise, I am, sir, very respectfully, your obedient servant,

(Signed) D. PORTER.

To Lieutenant Commandant John T. Ritchie.

WASHINGTON, *October* 14, 1824.

SIR: I have received your several communications respecting the schooner Fox, under your command. She is to be got in readiness for sea with the least possible delay; and when ready, you will report to me.

Very respectfully,
(Signed) D. PORTER.

Lieutenant Commandant J. RITCHIE.

WASHINGTON, *October* 27, 1823.

SIR: You will proceed to Matanzas, in the Island of Cuba, with the schooner Beagle, and there join the Wild Cat, which you will find there. With these two vessels, you will give such protection as may be in your power, against pirates, to the commerce of the United States, and to the vessels of all nations requiring it.

You will receive your supplies of all kinds from Thompson's Island. You are to be governed in your operations by my general instructions of the 26th of February.

Very respectfully, your obedient servant,
(Signed) D. PORTER.

Lieutenant Commandant Jos. CROSS.

UNITED STATES SCHOONER WEASEL, *Alvarado, December* 5, 1824.

SIR: I sailed from Thompson's Island on the 17th of September, for Havana, off which port I fell in with, and convoyed in, the American brig Herald, of Boston. After watering, sailed from Campeachy, giving convoy to three American schooners—(the Dact, Commerce, and Superior,) to the Bank; arrived there 27th September, and sailed on the 29th for Alvarado. On the 6th of October, a little to the east of Alvarado, spoke the United States schooner Shark, Captain Gallagher; received instructions to stand for and anchor at Sacrificios, for the purpose of taking on board Mr. Taylor, American consul, (then on board the Shark,) and returning with him to Alvarado. In riding out a norther at Sacrificios, I parted my hemp cable, and was unable to find the anchor. I have been under the necessity of purchasing a cable and anchor in this port. Sailed from Vera Cruz on the 9th, and arrived here on the 10th. On my arrival, received a letter from the American consul, giving an account of the capture of the American brig Cato, by the pirates, and the schooner Leader wanting protection at Tabasco; a copy of which letter is enclosed, and marked A. I was compelled to remain a few days in port, to repair my sails, and procure an anchor and cable; which being done, I sailed on the 19th for Tabasco. In consequence of a strong southwesterly current, we drifted in near Chittepeque river, where I dispatched a boat with an officer for a pilot; the boat returned without the officer, the commandant having detained him. Situated thus, I thought it most advisable to stand for the river; which I did, and anchored directly opposite the fort, and in good shot distance. I was determined to knock down his fort, if he did not give up the officer immediately, and take him by force. Immediately on the demand being made, he delivered him up, making many apologies for having detained him. Here I was detained near two weeks, by a continual succession of northers, which rendered it impossible to cross the bar. On the 28th, I received a letter from Captain Dulany, dated Villa Hermosa, requesting to see me; a copy of which I have enclosed, and marked B. The next day I proceeded there in the cutter, for the purpose of seeing the two captains; reached there in two days; on the third, returned to the vessel, bringing with me Captain Dulany, of the Cato. On my return, I had the pleasure of finding the water on the bar quite smooth; and sailed for Tabasco, where I arrived on 6th November. After a few days' delay I proceeded to Chiapa river, distant about thirty-four miles from the mouth of the river. I here found it imprudent to proceed farther up the river, in consequence of sickness, which was brought on by excessive fatigue, in warping up against a four knot current I dispatched Acting Lieutenant Taylor, with Captain Dulany, in the cutter, to Villa Hermosa, and sent a letter to the governor, requesting him to facilitate the brig and schooner's passage down the river. On their arrival I set sail and convoyed them fifty miles clear of the coast, and then stood for this place, where I arrived on the 29th. The Weasel has been actively and usefully employed on this station, particularly in this port. On my first arrival I found nearly all the crews of the American vessels down with sickness, and my men were compelled to assist them in various ways—in taking care of their vessels, &c. Since being in the gulf I have had much sickness on board, which was brought on by the severe duty performed by my men. Jacob Rise, O. S., died in this port on the 28th October, of the fever. Now, with pleasure I inform you, my officers and crew are in good health, and shall sail from this port for Tampico as soon as the present norther is over, and the bar smooth enough to cross with safety. I have been compelled to draw two or three bills on government, in supplying my vessel with provisions, &c. In consequence of Acting Lieutenant Carr leaving the vessel at Philadelphia, I appointed Sailing Master E. C. Taylor lieutenant in his place; which appointment, I presume, will meet your approbation—since which time he has been performing both duties.

I have the honor to be, with much respect, your obedient servant,
CHAS. BOARMAN, *Lieut. Commandant U. S. Schooner Weasel.*

U. S. SCHOONER WEASEL, *Havana, January* 21, 1825.

SIR: I have the honor to report the arrival at this port of the U. S. schooner Weasel, thirteen days from Tampico. The particulars of my movements up to my leaving Alvarado I presume you have received. Sailed from that port for Tampico on the 7th December, and arrived there on the 12th. I continued at

that anchorage till the twelfth instant, giving all necessary assistance to our merchantmen, which was great. Thomas Gray, seaman, was drowned by a fall from the main boom in assisting one of them. John S. Holey, O. S., deserted. The Weasel has not been successful in capturing pirates, but she has been both usefully and actively employed in giving protection to our commerce. Further particulars I will give you during the day.

I have the honor to be your obedient servant,

CHAS. BOARMAN, *Lieut. Commandant U. S. Schooner Weasel.*

SEA GULL, *Havana, January* 24, 1825.

SIR: You will proceed to a convenient port of the United States, there land the money on board your vessel, and report yourself to the Hon. Secretary of the Navy, and the state and condition of your vessel to the Board of Navy Commissioners.

Very respectfully,

(Signed) D. PORTER.

Lieut. Commandant BOARMAN.

U. S. SHIP JOHN ADAMS, *Thompson's Island, April* 25, 1824.

SIR: When the Sea Gull and Gillinipper are ready for sea, you will proceed with them to Matanzas, and there await my further orders, giving all protection in your power to our commerce in that quarter.

Respectfully, your obedient servant,

(Signed) D. PORTER.

Lieut. Commandant R. VORHEES.

U. S. SHIP JOHN ADAMS, *April* 24, 1824.

SIR: With the United States schooner Jackal under your command, accompanied by the Wild Cat, Lieutenant Legare, you will proceed to the Island of Mugeres or Woman's Island, on the coast of Yucatan, near Cape Catoche, in search of and for the destruction of a piratical establishment said to exist there. From thence you will continue to cruise along that coast towards Sical, giving it a thorough examination.

From Sical you will send the Wild Cat to me with a report of your proceedings, and shape your course toward Campeachy, and thence to Alvarado, Sacrificios, and Tampico, looking in at La Vera Cruz, at one of which places you will meet this ship; and at the time, or soon after your arrival, you will receive by her instructions as to your further proceedings.

You will ask of Lieutenant Commandant Oellers my general instructions, which will explain to you the duties you have to perform as regards the suppression of piracy and the slave trade.

During your stay in the gulf, and on your passage there, you will seek every occasion to give protection to the persons and property of our citizens.

Wishing you a pleasant and successful cruise, I am, with great respect, your obedient servant,

(Signed) D. PORTER.

Lieut. Commandant JOHN H. LEE.

Copy of a letter from Lieutenant Commandant John H. Lee to Commodore David Porter, commanding United States naval forces on the West India station, Gulf of Mexico, and coast of Africa, dated—

U. S. SCHOONER JACKAL, *Sical, May* 12, 1824.

SIR: I have the honor to report to you that, for the purpose of executing your orders to me on the 25th of April, the Jackal and Wild Cat sailed on the 26th of that month from Thompson's Island. On the following day we made the coast of Cuba, (Bahia Honda,) and passing Cape Antonio in the night, we were unable to look in there, although I felt a great desire to do so. On the 29th arrived off Cape Catoche, and on the same afternoon anchored between the Island of Contoy and the main land. This island is small and thinly wooded, so that it required but a few hours to examine every part of it. We could discover no traces of any persons living there, or even of any persons having been there, except two thatched huts in a very decayed state.

Early on the morning of the 30th we left that island, and approaching as near the shore as the safety of the vessels would permit, we proceeded to the Island of Mugeres, and in the night anchored between its southwest end and the main land. On the following morning, having found the watering place, the vessels were removed to it, and, at the same time, detachments of men were sent on shore for the purpose of commencing an examination.

This island is larger, more thickly wooded, and much more difficult of access than Contoy; and we were, consequently, compelled to proceed at a comparatively slow rate. But, sir, I can safely say that, at the expiration of two days, almost every foot of Mugeres had been traversed.

We found here six Indians from the vicinity of Sical. They stated that they made annual visits to this island for the purpose of making salt, large quantities of which were piled up on the borders of the salt ponds in the interior. While at Mugeres we were visited by several parties of Indians from the main and the Island of Cankum.

I could glean nothing satisfactory from these men respecting piracy. The stories they told were so

very contradictory, and seemingly without foundation, that it was impossible to reconcile them with each other, or with truth; but from all I could hear, and from my own observations, Mugeres has not, for the last two years, been the resort of pirates.

A severe gale detained us at anchor three days longer than was necessary, and this circumstance afforded an opportunity of visiting the main land, which was done by Lieutenant Commandant Legare and Lieutenant Piercy, though without discovering anything more than a few uninhabited fishing huts. On the 7th of this month, we sailed from Mugeres, and passing again by Contoy, anchored near Cape Catoche, and here, sir, our researches were as little to our satisfaction as they had been hitherto. Nothing was to be seen but an old dilapidated church and a fishing hut. From thence we continued our course towards New Malaga, examining the coast as we went along, and arrived there on the afternoon of the 8th. Some of the Indians had informed me that a piratical vessel was fitting out at that place; but, sir, no such vessel was there on our arrival, and the commandant, who is apparently a respectable man, assured me that the Fox was the last vessel he had seen.

On the 9th we left New Malaga, and coasted it along within two miles of the shore, looking into all the inlets, and communicating with almost every settlement between Malaga and Sical, until our arrival at the latter place, late on the 11th. From the time we commenced our examination of the coast, we have never sailed during the night, except once in chase of a schooner, which proved to be a privateer fitted out at Sical, and then, sir, I returned, with the Jackal, to the place I discovered her, and waited until the following morning.

At this port the commandant has been barely civil to us, and the inhabitants generally appear to view us more in the light of spies than friends.

You will perceive from this report, sir, the manner in which we have performed our duty, and I sincerely hope it will meet with your approbation. To the prompt and active exertions of Lieutenant Legare I feel much indebted; and I assure you it would have afforded me great pleasure to have been associated with him for a longer time.

From this place I shall proceed with all possible dispatch, to execute your further orders.

I have the honor to be, very respectfully, your most obedient servant,

JOHN H. LEE.

Commodore D. PORTER, *commanding United States Naval Forces on the West India Station, Gulf of Mexico, and Coast of Africa.*

MATANZAS, *June* 5, 1824.

SIR: After touching at Thompson's Island, you will proceed to the coast of East Florida, and give it a thorough examination, to discover an establishment there, said to be of a piratical or irregular character, somewhere about Charlotte Harbor, Chatham's Bay, or between that and Tampa Bay.

The inhabitants are said to be Spaniards and Indians; hoist the Spanish flag and have two guns mounted. You will have intercourse with them, ascertain their true character, force, and condition, and on your return make me a detailed report. Should you find the aid of a land force necessary, you can no doubt obtain it from the military commanding officer of the post at Tampa Bay.

Very respectfully, your obedient servant,

(Signed) D. PORTER.

Lieutenant Commandant JAMES M. MCINTOSH.

ALLENTON, *Thompson Island, July* 8, 1824.

SIR: I had the pleasure of addressing you on the 5th inst. by the Diabletta, enclosing a copy of a letter from Captain P. C. Greene, and a sick report, which I trust you will receive at an early period, as the weather has been uncommonly fine since she sailed. The departure of the Martha this evening with a load of flour affords me another opportunity to communicate to you our situation. The expedition in the barge will necessarily impede much our progress in the buildings and other improvements, for in giving her a complement I have left the island almost destitute. The new store which I find by a letter of Lieutenant Oellers, dated 29th ult., reported to be nearly finished, I regret to say is little more than half done; it is only in part covered, floor not laid, no partitions up, or doors or windows made, nor have I any person at present to continue on with it. The only two carpenters at present on the island I have employed putting a small addition to the house formerly occupied by Captain Wilkinson, to render it barely comfortable for my family. But I am in hopes soon to complete the store on the return of the Diabletta. I would take the liberty of suggesting the propriety of a house carpenter being employed, rated as master carpenter, and sent out immediately; the good advantages which would arise from it I have perceptibly seen displayed with the citizens working for Mr. Simonton. Since his return from Baltimore with a decent young man in that capacity, almost double the work has been performed by his carpenters, and I find that I cannot, with all the attention I can possibly bestow, have as much done by men employed in the public service. I cannot lay out their work, or do I really know, to be candid, what is a day's work for a house carpenter, and having no person here who feels any ambition in forwarding that branch, I am liable constantly to impositions.

I have the honor to enclose you a duplicate copy of Captain Green's letter, and Doctor Bassit's sick report of to-day, by which you will find one of the cases reported by him on the 5th as bilious remittent fever, marked to-day as a case of yellow fever; and I regret to inform you that Richard Purcels, a private marine, died yesterday at the hospital of what the doctor calls a *low type of bilious fever.* It is with much pain, sir, that I am compelled to inform you that I witness, daily, symptoms among the men a little alarming; almost every day since my arrival and command here one or more have been taken with severe vomiting, pains in the head and bones, and the disease appears to fluctuate, one day at work and the next a relapse; and it is high time that Dr. Bassit was assisted in his duties. His riding twice a day frequently

from the hospital to Allenton and his exposure to sun is well calculated to bring on disease; and if he is indisposed we are deprived entirely of medical assistance.

I have endeavored to gain, for the purpose of communicating to you, all the information respecting the cruise of Domingo on the coast of Yucatan. It appears that he was connected, in his piratical depredation, with Diabletta, and that, in the division of prize goods captured, a dispute arose; in consequence of too large a portion being demanded by the two leaders, the men seized a blunderbuss and literally blew Diabletta to pieces. Domingo escaped with a severe sabre cut on his arm, by jumping overboard and swimming to shore. Joseph Morales saw him since his return from Yucatan, and corraborated these circumstances.

I have, sir, respectfully to request that I may be informed if there is a probability of my being permanently stationed here. The command of the yard I presume I shall not retain longer than the sickly season; after that time many superior to me will be making applications; and although I have every confidence in your disposition to do me justice, still I am aware that the calls of superiors must be attended to. But as I am now making preparations for my family, it would be a great source of satisfaction to me to know if I could hold the situation of executive officer of the yard, if superseded in the command.

The plants are doing well; the late showers of rain which we have had have much revived them. I have not yet received any cocoa-nut plants, but expect them in the Terrier. I have allowed fifty of the nuts to be planted by Col. Mifflin and Captain Greene within the enclosure.

I have the honor to be, sir, most respectfully,

JAS. M. McINTOSH, *Lt. Com.*

Com. DAVID PORTER, *Commander-in-Chief of the U. S. Naval Forces in the West Indies, Gulf of Mexico, Coast of Africa, &c.*

Extract of a letter rom Lieutenant Commandant James M. McIntosh to Commodore D. Porter, communicated to the Secretary of the Navy, dated—

ALLENTON, *Thompson's Island, July* 12, 1824.

SIR: I have the honor to inform you that the Terrier, with the barge Diabletta in company, returned here yesterday. Lieut. Paine reports the brig robbed off Escondio to have been the Acasta of Portland. They robbed her of two thousand dollars in cargo, her sails and anchors, beat the commander and crew severely, and then suffered her to proceed to Havana.

Could I, sir, have received the information one day earlier, the Diabletta would have completely succeeded in recapturing the property, and probably have detected the pirates in the very act. The property stolen has been carried to Havana, at which place Mr. Paine saw and conversed with the master of the Acasta. The appearance of the barge at so early a period after the transaction, together with the very strict search, I trust will have a good effect.

Extract of a letter from Lieutenant Commandant McIntosh to Commodore David Porter, communicated to the Secretary of the Navy, dated—

ALLENTON, *Thompson's Island, August* 8, 1824.

The Terrier, Lieut. Paine, returned yesterday morning with the medical stores which I had the honor to inform you were necessary for the station, on the 2d inst. She has been longer executing this service than could have been contemplated, in consequence of continued calms since she sailed from here, and considerable drift to the eastward. She sails again to-day for Matanzas, with orders to give convoy to any of our vessels requiring it, and then to proceed and examine minutely the key in the vicinity of Point Yeacos and the Bay of Suagasa, from thence to run down the north coast of Cuba to Bahia Honda, at which place piratical depredations are said to be almost daily committed.

WASHINGTON, *August* 12, 1824.

SIR: I have received your various communications by the different vessels that have arrived from the island, all of which are satisfactory to me.

As regards your continuing on the island, you may rest assured that there is no disposition on my part to make any change whatever in your situation, and it is not my opinion that any change will be made by the Department.

You may therefore, I think, consider yourself permanently fixed.

It is likely that I shall be out in a month or two after you receive this, and it is my intention to reside for a time on the island, to commence some extensive improvements, affecting its salubrity, that I have in contemplation; I shall therefore want my house finished that I may be comfortable.

I sent several mechanics out in the Wild Cat, expressly for the purpose of being employed on the island; you must endeavor to work them to the best advantage. I laid down a plan for the porches round my house, but on consideration I wished them changed to the one enclosed, letting the rafters commence and rest on the rafters of the main building, about one-half the distance up from the eaves, instead of commencing at the eaves as in the old plan. This arrangement will allow of the porch being much wider than formerly intended; it would be very desirable to have it thirteen feet. The eaves of the porch need not be lower than the eaves of the main building, which will make the whole sightly, light, and airy. I have sent out medical aid in the Decoy; I hope it may arrive in season. I would advise that the men be as little exposed as possible to the weather—the more they are kept under shelter the better.

I am in hopes you will be able to get through this season without much sickness. Endeavor to keep every one as comfortable as you can, and let me hear from you by every favorable opportunity, that I

may be well informed of the state of the island. Inform Mr. Mifflin and Mr. Symington that I have received their communications, but the appointment of Mr. Pinkney renders it unnecessary to act on them.

Very respectfully, your obedient servant,
(Signed) D. PORTER.

Lieut. Com. JAS. McINTOSH.

WASHINGTON, *August* 12, 1824.

SIR: I have received your communication of the 18th ultimo, respecting the Spanish schooner Trinadada, and approve of the course you have pursued with regard to that vessel.

Mr. Easton's disinterested conduct in giving up the vessel, without salvage, will no doubt have the happiest effect in preserving the good understanding which happily exists between us and the authorities of Cuba, and will have a tendency to remove the prejudices which exist against us among the mass of the community. I wish you to return to him my thanks.

Respectfully,
(Signed) D. PORTER.

Lieut. Commandant JAMES M. McINTOSH.

WASHINGTON, *August* 19, 1824.

SIR: I enclose a copy of a letter from Colonel George M. Brook to the Secretary of War.

Instructions formerly given, accompanied by a copy of a letter from the Secretary of the Navy, of the 19th March last, will be your guide as to the course to be taken in regard to the timber lands of the United States, on the coast of Florida.

I wish a detailed report from the officer you send, as to his proceedings, and the value, condition, quantity, and situation of the timber mentioned by Colonel Brook.

Very respectfully, your obedient servant,
(Signed) D. PORTER.

Lieut. Com. JAMES M. McINTOSH, *Commanding Officer, Thompson's Island.*

Extract of a letter from Lieutenant Commandant James M. McIntosh to Commodore David Porter, communicated to the Secretary of the Navy, dated—

ALLENTON, *Thompson's Island, August* 25, 1824.

The United States schooner Wild Cat, Lieutenant Commandant Legare, arrived here on the 20th instant from Matanzas. By Lieutenant Legare I received your instructions of the 14th, 15th, and 16th ult., and shall avail myself of her sailing this evening, to comply with the order of the 16th.

The Wild Cat, from the representation of her commander, was permitted to heave out and overhaul; every exertion, however, has been made to get her ready for sea; she is now in good order, and will, with the Terrier, I hope, be enabled to protect our commerce in the vicinity of Havana and Matanzas.

Lieutenant Legare spoke the Terrier the night previous to his going into Matanzas, to windward, where I had ordered her for the purpose of examining Point Yeacas and Suaguassa Bay; and it is with pleasure I inform you, that he stated the Terrier to have been successful in the capture of a pirate, a launch with from eight to ten men. I expect the Terrier, Lieutenant Paine, every hour; on her arrival I will embrace the first opportunity of giving you the particulars of this pleasing information.

SEA GULL, *Port Rodgers, July* 3, 1823.

SIR: On Captain Skinner leaving the Wild Cat, you will take charge of her, and so soon as the number of her officers and crew are completed, and her stores and supplies of every kind on board, you will return to this place, passing through the Canous or Crooked Island passage, running down the old Strait of Bahama, touching at Baracoa and Matanzas, showing yourself off Havana, and giving the whole coast a thorough examination.

If, however, the honorable Secretary of the Navy should appoint another commander to the Wild Cat, you will transfer to him these orders for his government.

It is extremely desirable that there should be as little delay as possible in the United States, and you will use every effort to return as soon as possible.

Very respectfully, your obedient servant,
(Signed) D. PORTER.

Lieut. F. G. WOLBERT.

WASHINGTON, *August* 11, 1824.

SIR: As soon as the U. S. schooner Beagle shall have completed her repairs, and be in every respect ready for service, you will proceed to St. Thomas, for the protection of our commerce in that quarter, governing yourself in the duties to be performed by the general cruising instructions, and the orders

issued to your predecessor. You will continue on that station, furnishing convoy and protection to our merchant vessels through the passages, until my arrival there, or until further orders.

Should your vessel require any supplies of provisions, stores, &c., you can obtain them by application to Mr. Furnace, a merchant of that place, who has offered to furnish them.

Very respectfully, your obedient servant,

(Signed) D. PORTER.

Lieutenant Commandant C. T. PLATT.

U. S. SHIP JOHN ADAMS, *Thompson's Island, January* 28, 1825.

SIR: In consequence of the affair at Foxardo, I have been directed by the Hon. Secretary of the Navy to repair to Washington, in order that the merits of the case may be perfectly understood, and it is considered important that all witnesses in the case, and particularly yourself, should be present. It is also desirable that all written testimony that can be had, should be produced.

You will therefore call on Mr. Stephen Cabot, and Messrs. Bergest and Whlhorn, and get their depositions as to the particulars of the robberies on their stores, explaining to them the object, and the great importance it is to me, that proofs should be had that the robberies, in former cases, had been traced to Foxardo and its neighborhood. You will also call on Messrs. Ellis, Gibson & Co., John Kettle, Esq., Robert Alexander, Esq., Saubot, Taubert & Co., and all others whose stores have been robbed, and ask them for their depositions respecting the particulars of the robberies; the tracing of them to Foxardo; the detection of the perpetrators, and particularly in the case of Messrs. Ellis, Gibson & Co.; also ask these gentlemen, as well as Messrs. Bergest and Whlhorn, for the original attested copies of all correspondence they may have had on the subject of these with Mr. James Campos, or any other person residing at Foxardo, or any other place to which these robbers had been traced.

You will please to ask Messrs. Cabot, Bailey & Co. to assist you in collecting all the testimony, in the fullest manner, as I conceive it to be of the highest importance to the mercantile interest of the United States that the landing on the Spanish coast for the suppression of piracy, and the holding the local authorities responsible, should be justified.

When you have collected all the information and testimony you can obtain on the subject, you will repair with the U. S. schooner Beagle to Washington, where you will report yourself to me.

With great respect,

(Signed) D. PORTER.

Lieutenant PLATT.

WASHINGTON, *October* 20, 1824.

SIR: You will proceed, accompanied by Midshipman L. M. Goldsborough and J. Boarman, in the United States schooner FOX, now at this place, to Pensacola and Tampa Bay, for the purpose of surveying those places, and reporting on the same at as early a day as possible.

Your examination and report will be directed to the following point, to wit, the depth of water on the bar.

Very respectfully, D. PORTER.

Lieutenant J. W. SHERBURNE.

U. S. SHIP JOHN ADAMS, *Thompson's Island, January* 15, 1825.

SIR: You will proceed to the port of Matanzas with the barge Gallinipper, and there await my arrival.

Very respectfully,

(Signed) D. PORTER.

Acting Lieutenant BENJAMIM S. GRIMKE.

U. S. STEAM GALLIOT SEA GULL, *Havana, June* 20, 1825.

SIR: You will proceed with the barges to leeward, inside the Colorados, as far as Cape Antonio, in pursuit of pirates, searching, in your way, every place likely to give them shelter.

Between Porto Coranas and Bahia Honda is a small river called Artigosa, where they formerly took shelter, and where, if there are any on the coast, they may probably be found. Cayo Blanco and Rio Puercos are also suspicious places, and require to be well examined.

You will use every means in your power to preserve a good understanding with the authorities of the places you may visit, and you will protect the honest and peaceable inhabitants; but whenever you find fishermen without their families, you will give them a rigid examination, and if you find them without license and with arms, you will destroy their establishments, and, if there is good and sufficient reasons to believe that they have been engaged in acts of piracy, you will bring them off with you or deliver to a Spanish civil or military officer. You will endeavor to get back to the John Adams at Thompson's Island, in fifteen or twenty days.

Very respectfully,

(Signed) D. PORTER.

Lieutenant GRIMKE.

SEA GULL, *Port Rodgers, July* 19, 1823.

SIR: On your arrival at Washington, you will receive the schooner Terrier, from Lieutenant Commandant Rose, and proceed to get her in readiness to return to this place without delay.

The Terrier will require a new suit of sails, caulking; her crew completed and her stores replenished.

If the Secretary of the Navy should not appoint a commander, you will, as soon as ready, return here through the Crooked Island or Caucus passage, and down the south side of Cuba, touching at St. Jago and Trinidada, looking in at Cape Antonio, and showing yourself off Havana.

Should a commander be appointed, you will hand him these instructions for his government; you will apply to the Board of Navy Commissioners for orders respecting the repairs.

Very respectfully, your obedient servant,

(Signed) D. PORTER.

Acting Lieutenant WM. MCKEAN.

Lieut. Commandant Rose will please to land his marines, and make me a return of the officers, seamen, ordinary seamen and boys, on board his vessel.

Respectfully,

(Signed) D. PORTER.

SEA GULL, *July* 19, 1823.

P. S.—You will please cause all the sweeps and spare oars of the Terrier to be delivered to the store keeper at Allenton.

(Signed) D. P.

Copy of a letter from Acting Lieutenant Alexander B. Pinkham to Commodore David Porter, communicated to the Secretary of the Navy, dated—

U. S. SCHOONER BEAGLE, *Quarantine Ground, New York, August* 4, 1824.

SIR: I have the honor to acquaint you of the arrival of the Beagle at this place, in eleven days, from Thompson's Island, and have also the painful duty of announcing to you the death of the late commander of this vessel, Lieut. N. L. Montgomery, who died on the 30th ultimo, in latitude 35 degrees, 23 minutes north, longitude 74 degrees, 30 minutes, in consequence of which I considered it my duty to acquaint you with the events of our cruise, in continuation of a report commenced by Lieut. Montgomery, found among his papers, and hereto attached.

The convoy from St. Jago de Cuba, consisted of the brigs Susan, of Philadelphia, Jane and Boston packet of Kennebunk; we also fell in with, off Cape Dona Maria, and took under convoy, the English ships Glasgow and Caledonia, from Jamaica. Having accompanied the convoy through the Crooked Island passage, as far as Matland's Island, we returned to St. Jago, (having touched at Crooked Island to fill up our water,) on the 21st of June; we sailed from thence on the 22d, and arrived at Trinidad on the 27th.

Sailed from thence on the 4th July, having under convoy the brigs Florida of Boston, Mary and Eliza of Sandwich, schooner Hannah, of Boston, and the French brig Duc d'Angouleme. Parted company with the convoy on the 9th, off Cape Antonio, in order to make the best of our way to Havana, in consequence of the sickly state of the officers and crew, the yellow fever having made its appearance on board on the 6th, of which disease six persons, including Lieut. Commandant Montgomery, have died. More than half the crew were attacked, but most of them have recovered.

On the 20th we arrived at Havana, filled up our water, and sailed same day. On the 22d, arrived at Thompson's Island, and having received the necessary supplies of provisions, sailed from thence on the 24th. You may rest assured, sir, that the the disease did not originate from any local cause. The general regard to cleanliness observed on board the vessel, and Lieut. Com. Montgomery's attention to the comfort of the crew, would impress a belief that it originated from the unhealthiness of the climate, and of the ports we lay in.

I have the honor to enclose you a correspondence between Lieut. Com. Montgomery and the Governor of Trinidad, with other papers; also, a list of the officers and crew of the Beagle.

In consequence of the disability of my right arm from the effects of a violent attack of the yellow fever, from which I am yet much debilitated, I am not able to sign my name, but

I have the honor to be, very respectfully, your most obedient servant,

his
ALEX. × B. PINKHAM, *Acting Lieutenant.*
mark.

Commandant D. PORTER, *&c., &c., &c.*

WASHINGTON, *August* 11, 1824.

SIR: I have received your communication of the 4th, announcing the arrival of the Beagle, and the melancholy news of the death of Lieut. Montgomery and several of the crew. I hope sincerely that those who have been attacked with the fever may soon recover, and it is my wish that every comfort that they may require may be furnished them, so far as circumstances will permit.

The Beagle must be got ready for sea again with all possible dispatch, and her crew is to be filled up by requisition on the recruiting officer.

Capt. Finch will give you more detailed instructions when necessary.

Very respectfully, your obedient servant,

(Signed) D. PORTER.

Acting Lieut. A. B. PINKHAM.

SEA GULL, *Port Rodgers, July* 14, 1823.

SIR: The services of every officer who can attend to duty will be required, on the intended expedition, and I cannot feel myself justifiable in permitting any one to return to the United States as sick, except under a sick ticket from the physician.

Very respectfully, your obedient,
(Signed) D. PORTER.

Lieut. R. M. POTTER.

U. S. SHIP JOHN ADAMS, *Craney Island, December* 30, 1823.

SIR: You will proceed with the United States ship Decoy to Thompson's Island, running down the south side of Cuba. On your arrival there, you will receive further instructions from Master Commandant Jesse Wilkinson, to whom I refer you in all cases of difficulty, either in deciding on the character of vessels you may meet with, or other circumstances. I enclose to you my general instructions as to the duties of officers.

Very respectfully, your obedient servant,
(Signed) D. PORTER.

Lieut. Commandant F. B. GAMBLE.

MATANZAS, *May* 4, 1824.

SIR: You will proceed to New York with the United States ship Decoy take in a supply of stores for the squadron under my command, and return with all possible dispatch to Thompson's Island.

The men whose terms of service have expired are to be discharged, and others are to be got to supply their places.

Very respectfully, your obedient servant, D. PORTER.

Lieutenant Commandant F. B. GAMBLE.

U. S. SHIP PEACOCK, *Aguada, March* 11, 1823.

SIR: You will proceed with the Sea Gull under your command, accompanied by the Fox, down through the old Straits of Bahama to Thompson's Island.

With great respect, your obedient servant,
(Signed) D. PORTER.

Lieutenant Commandant WM. H. WATSON.

U. S. GALLIOT SEA GULL, *Allenton, May* 10, 1823.

SIR: You will take command of the barges Gallinipper, Musqueto, and the two schooners Weasel and Fox; with them you will proceed in search of pirates in the old Straits of Bahama. If your provisions will hold out, and circumstances will make it in your opinion necessary and proper, you will extend your cruise so as to make the complete circuit of the island, returning by the way of Antonio.

Very respectfully, your obedient servant,
(Signed) D. PORTER.

Lieutenant Commandant WM. H. WATSON.

Lieutenant Commandant Watson to Commodore Porter.

U. S. GALLIOT SEA GULL, *Allenton, Thompson's Island, July* 11, 1823.

SIR: Having had the honor to report the circumstances attending the cruise of the division under my orders, prior to our separation off St. John de los Remedios, I have now to communicate, for your information, my subsequent proceedings in the barges Gallinipper and Musquito.

After a strict examination of the coast and islands, from Cayo Francis to Cayo Blanco, in the vicinity of Point Hycacos, whilst cruising in Siguapa Bay, we discovered a large topsail schooner, with a launch in company, working up to an anchorage, at which several merchant vessels were then lying. Being to windward, I bore up in the Gallinipper for the purpose of ascertaining their characters, and, when within gun-shot, perceiving the large vessel to be well armed and her deck filled with men, I hoisted our colors, on seeing which, they displayed the Spanish flag, and the schooner having brailed up her foresail, and commenced firing at the Gallinipper, I immediately kept away and ran down upon her weather quarter, making signal at the same time for the Musquito to close. Having much the advantage in sailing, they did not permit us to do so, but made all sail before the wind for the village of Siguapa, to which place we pursued them, and, after a short action, succeeded in taking both vessels, and effecting the almost total destruction of their crews, amounting, as nearly as could be ascertained at the time, to fifty or sixty men; but, as we are since informed, to seventy or eighty. They engaged us without colors of any

description, having hauled down the Spanish flag after firing the first gun; and, on approaching to board (our men giving three cheers and discharging their muskets), the pirates fled precipitately, some to their launch (lying in shore, from whence a fire was still kept up), whilst others endeavored to escape by swimming to the land. A volley of musketry, directed at the launch, completed their disorder, and drove them into the sea; but the boats going rapidly through the water cut off their retreat, with the exception of fifteen, eleven of whom were killed or desperately wounded, and taken prisoners by our men who landed in pursuit, and the remaining four apprehended by the local authorities and sent to Matanzas.

The larger vessel was called the Catilini, commanded by the celebrated pirate Diabolito, taken some weeks since from the Spaniards, between Havana and Matanzas, carried to Siguapa Bay, where she received her armament; had captured nothing, this being the commencement of her piratical cruise.

I cannot close this communication without performing a most pleasing task, in reporting the active gallantry and good conduct of my officers and men, none of whom sustained the slightest injury in the action, the result of which is, I trust, sufficient to satisfy you that all under my orders did their duty, particularly when it is considered that we had but twenty-six men opposed to a force of piratical vessels well supplied with arms of all kinds, amongst which was one long nine and two six-pounders.

I have much pleasure in naming as my associates Lieutenant Inman, Acting S. Master Bainbridge, Dr. Babbit, Midshipmen Harwood and Taylor, and Messrs. Webb and Grice, who obeyed and executed all orders and signals with a promptitude and zeal which could not be exceeded.

I have the honor to be, very respectfully, your obedient servant,

W. H. WATSON.

Commodore D. PORTER, *commanding U. S. Naval Forces in the West Indies and Gulf of Mexico.*

[Extract.]

SEA GULL, *Port Rodgers, July* 13, 1823.

SIR: You will take command of the barges Gallinipper, Musqueto, Midge, Sand Fly, Grab-all, and Decibolita, and get them ready for sea with all dispatch. When ready, you will please to inform me.

The Gallinipper and Musqueto will be manned from this vessel; the Midge from the Hornet, and the Sand Fly and others from the ships which may hereafter arrive.

(Signed) D. PORTER.

Directed to Lieut. Commandant WM. H. WATSON.

U. S. SHIP JOHN ADAMS, *Thompson's Island, April* 21, 1824.

SIR: If, on your arrival at Jamaica, our merchants there should have any considerable amount of specie to transport either to St. Jago, Havana, or the United States, you are at liberty to depart from my instructions of this date, so far as to accommodate them with a conveyance for it in your vessel, giving me, or the commanding officer here, the earliest intelligence on the subject.

I have read to you the instructions of the honorable Secretary of the Navy, relative to the transportation of treasures. I have no apprehension that you will go beyond the authority given. It is therefore needless to make any further communication on the subject. I will merely remark, however, that none of the vessels of war, under my command, must, on any account whatever, and under any inducements, be used for the purposes of commercial adventure. You can carry treasure of our citizens from one port or place to another, and you can take it to the United States, but nothing in the shape of public advertisements must appear; and in all your intercourse with the authorities of the places you may visit, make frank acknowledgments of the motives which brought you there. Let all your transactions in this respect be open, and not liable to misapprehension. Nothing, whatever, in the shape of clandestine shipments must be countenanced.

For the information of the government, you will, on joining me, report to me the amount of treasures on board your vessel, where taken from, where destined, and the circumstances, terms and conditions on which you have taken them.

Wishing you a pleasant and profitable cruise, I am, very respectfully,

(Signed) D. PORTER.

Lieut. Commandant N. L. MONTGOMERY.

U. S. SHIP JOHN ADAMS, *Thompson's Island, April* 12, 1824.

SIR: You will proceed with the United States schooner Grayhound, under your command, to Matanzas, and thence to Havana, with the enclosed general order, which you will show to the commanders of such of the small schooners as may be at either of these places, or as you may meet with on the coast.

You will collect all the letters and papers at Matanzas and Havana for the squadron, and send them over to this place in one of the schooners.

From Havana you will proceed to the west end of Cuba, anchoring near Cape Antonio, and there wait the arrival of the barges, under the command of Captain Wilkinson, from whom you will receive your further instructions.

Very respectfully, your obedient servant,

(Signed) D. PORTER.

Lieut. Commandant RAY.

MATANZAS, *May* 4, 1824.

SIR: You will proceed to Havana, with the United States schooner Grayhound, and there receive on board such specie as may offer for the United States, at 2 per cent. freight. You will be particularly careful that nothing in the shape of advertisements are put forth, and that no clandestine shipments are made; and you will make me an accurate return of the amount taken on board, the names of the shippers, and all the circumstances attending the same, in order that I may transmit it to the government.

When ready for sea, you will proceed to New York, land the specie, and deliver the Grayhound to the commandant of the Navy yard, to be coppered and repaired. As soon as her repairs, &c., are completed, you will return to Thompson's Island, by the way of St. Bartholomews and St. Thomas.

Very respectfully, &c.,
(Signed) D. PORTER.

Lieut. Commandant RAY.

Commodore Porter to Captain John Porter.

U. S. SHIP PEACOCK, *March* 4, 1823.

SIR: You will proceed to the port of St. John's, in the harbor of Porto Rico, and deliver the accompanying letter to the governor.

You will there wait, if necessary, two days for the answer, apprising him of your intention so to do; and at the expiration of that time you will proceed to join me, either off the harbor, or at the port of Aguada, at the west end of the island, where I shall water the squadron.

I have the honor to be, very respectfully, your obedient servant,

D. PORTER.

To Captain JOHN PORTER, *U. S. Schooner Grayhound.*

U. S. SHIP PEACOCK, *Aguada, March* 11, 1823.

SIR: You will proceed with the United States schooner Grayhound, under your command, to Thompson's Island, taking with you the Ferret, Terrier, and Weasel.

You will run down the south sides of St. Domingo and Cuba, giving the coasts of both these islands a thorough examination.

You will remain at Thompson's Island until my arrival.

With great respect, I have the honor to be, your obedient servant,
(Signed) D. PORTER.

Captain JOHN PORTER.

MATANZAS, *June* 6, 1824.

SIR: Being about to return to Washington, and the season when we may expect sickness approaching, I have to direct that such of the small vessels as are now absent from this neighborhood are to be directed to repair to New York as fast as they may arrive at the island. The Ferret, Lieut. Com. McIntosh, is to remain on the station, as also the Grayhound, on her return from New York. The Wild Cat, Lieut. Com. Legare, I shall, from Washington, direct to return to the station immediately, where she will remain subject to my further orders. Of the large vessels, the Hornet and Porpoise have been directed to remain in the neighborhood of Havana, Matanzas, and Thompson's Island, for the protection of our commerce. All the rest will proceed to New York, with the exception of the Decoy, which ship will remain at Thompson's Island for my further orders. The cargo she may bring out is to be disposed of in the stores to the best advantage.

You will keep me regularly informed, by every opportunity, of the occurrences on the station, its state, and condition.

It is probable my return to the island will be about the last of October or the beginning of November.

I hope, sir, that everything will be conducted with the greatest economy and prudence, and that nothing will be done to disturb the good understanding which now happily exists between the squadron and the authorities of Cuba.

The completion of the buildings, and other works going on, is to be expedited with all the means in your power.

I am, sir, very respectfully, your obedient servant,
(Signed) D. PORTER.

To the Commanding Officer at Thompson's Island.

WASHINGTON, *August* 12, 1824.

SIR: I enclose you a copy of instructions from the Secretary of the Navy, which you will cause to be executed whenever one of the small schooners can be spared for the service.

Very respectfully, your obedient servant,
(Signed) D. PORTER.

The Senior Officer, Thompson's Island.

MATANZAS, *July* 27, 1824.

SIR: Understanding by the public prints that you have been directed to take the minister to Mexico, I have to direct that (after the performance of this service, or any other confided to you by the Secretary of the Navy,) you remain in the neighborhood of Havana, Matanzas, and Thompson's Island, for the protection of our commerce, until further orders, unless you should have on board moneys belonging to our merchants, destined for the United States; in which case you will proceed to New York, reporting to me your arrival there, should I be in Washington; but in case I shall have left the United States, you will, after landing the money, repair to Thompson's Island, visiting in your way there St. Bartholomew, St. Thomas, coasting down the south side of Porto Rico, St. Domingo and Cuba.

Very respectfully, your obedient servant,

(Signed) D. PORTER.

Commanding Officer of the U. S. Schooner Porpoise.

OFFICIAL COMMUNICATIONS BETWEEN COMMODORE PORTER AND THE CONSTITUTED AUTHORITIES OF THE WEST INDIA ISLANDS.

Commodore Porter to the Governor of Porto Rico.

U. S. SHIP PEACOCK, *March* 4, 1823.

YOUR EXCELLENCY: I have the honor to inform you that, in pursuance of orders from my government, I have taken command of all the United States forces in these seas, for the protection of the commerce of the United States against all unlawful interruptions; to guard the rights, both of property and person, of our citizens, whenever it shall become necessary; and for the suppression of piracy and the slave trade.

As great complaints have been made of the interruption and injury to our commerce by privateers, fitted out from Spanish ports, I must beg your excellency to furnish me with a descriptive list of vessels, legally commissioned to cruise from Porto Rico, with a set of the blank forms of these papers, that I may know how and when to respect them, if I should meet with any of them.

I must also beg your excellency to inform me how far they have been instructed to interrupt our trade with Mexico and the Colombian republic, and whatever instructions or authorities they may have, affecting our commerce generally.

As the suppression of piracy, the principal motive for my visit to these seas, is an object that concerns all nations, (all being parties against them, and may be considered allies,) I confidently look to all for co-operation, whenever it may be necessary, or at least their favorable and friendly support, and to none more than to those most exposed to their depredations; I therefore look with confidence to your excellency for the aid of such means as may be in your power for their suppression; and, in the absence of means, I beg to assure your excellency that, whatever course may be pursued by me, to destroy these enemies of the human race, it will have no other aim; and I shall observe the utmost caution, not to enroach on the rights, or willingly offend the feelings of others, either in substance or in form, in all the measures which may be adopted to accomplish the end in view.

It will afford me sincere pleasure, should I be so fortunate as to fulfill the expectations of my government, and at the same time preserve harmony and a good understanding with those with whom I may be so unfortunate as to come into collision or discussion, in relation thereto; indeed, it will add much to my happiness, if it can be avoided altogether.

That such is my sincere wish, and that the objects set forth by me are the only ones which brought me to these seas, I beg leave to assure your excellency in the most positive and unequivocal terms.

With the highest respect, I have the honor to be

Your excellency's very obedient and humble servant,

DAVID PORTER.

His excellency the GOVERNOR *of Porto Rico.*

Captain General of Porto Rico to Commodore Porter.

OFFICE OF THE CAPTAIN GENERAL OF PUERTO RICO, *March* 6, 1823.

MOST EXCELLENT SIR: I have this moment received the very estimable letter of your excellency, dated the 4th of the present month, in which your excellency has been pleased to communicate to me the important commission which has been entrusted to you by a government that claims the respect of all the territories within its influence.

I have the satisfaction of forwarding to your excellency a nominal report of the privateer vessels which have been armed and dispatched, for the purpose of cruising, by the competent authority in this island, agreeably to the request which your excellency has made me in the letter of that date; and I am extremely sorry to find myself so situated that I cannot comply with the wishes of your excellency in regard to my transmitting to you a set of *blank forms*, for the purpose of enabling your excellency to know how and when to respect their commissions. The diplomas which they receive come from our court, already signed by his Most Catholic Majesty and the minister to whom this office pertains; leaving, in these cases, the naval authority here limited only to the filling of the blank spaces in them with the name of the captain and of the vessel. Thus situated, it is impossible for me to accede to your circumspect views in this particular object. But, nevertheless, if it should, on occasion, appear requisite to your excellency, the said diplomas or commissions can be examined, together with a blank signature of the captain of this port, in order that a sufficient ground may be established for comparing this signature with those which may be presented, keeping in view the prospectus of those with which the said privateers are cruising.

I am likewise asked by your excellency for information how far my instructions are extended, for interrupting the commerce of the United States with Mexico and the republic of Colombia; and, for your

gratification, it is my duty to declare that I find myself sufficiently instructed to state that the blockade, which was established on all the coasts and ports of the provinces of Venezuela, has been raised. Under these circumstances, I consider the commerce of the United States to be in free capacity for an intercourse with that of the places formerly blockaded; reserving, however, for lawful capture, the vessels of any nation which shall be found conveying implements of war to the insurgents, or people disposed to co-operate with them in their military resistance. I can give your excellency no certain information concerning Mexico; but it is my opinion that the circumstances and condition are to be found the same as those of Venezuela.

The very important objects to which your commission into these seas is directed, and your good intention and views, afford me the greatest satisfaction, and hasten me to manifest myself to your excellency, as at the instant I now do, in order to assure you that all within the scope of my authority and faculty in this island, as one of the places most interested in the flourishing of commerce, and the revival, if possible, of good faith and due respect to the property of the citizens.

Trusting that your excellency may be able to fulfill the desires of your government in this important charge, and that they may be ever more and more happy in their election:

I have the honor of being, with the greatest respect,

Your excellency's most attentive and sure servant,

Who kisses your hands, excellentissimo señor,

MIGUEL DE LA TORRE.

Most excellent sir, Commander of the Squadron of the United States, in the offing of this Port, D. DAVID PORTER.

OFFICE OF THE CAPTAIN GENERAL OF PORTO RICO, *March* 6, 1823.

MOST EXCELLENT SIR: At noon, this day, just as I arrived from the village of Caguus, where I received, at eight o'clock this morning, the official letter of the King's lieutenant commandant of this place, advising me of the arrival of the squadron under the command of your excellency, with a disposition to enter this port, I have been inauspiciously informed of the misfortune occurring in the death of the commander of a schooner-of-war belonging to the squadron, which, it seems, persisted in entering the port, notwithstanding his having been warned by the fort to desist from his undertaking, by a discharge of two cannons, the first with a blank cartridge, and the other at an elevation, with a ball. But the garrison, in seeing his obstinacy, followed, with an extraordinary rigor, the orders for hindering the entrance of the squadron till my arrival, according to the determination formed by the said lieutenant of the place yesterday. I wish to persuade the mind of your excellency into a consciousness of the sorrow which this event, so mournful and unfortunate, has caused me; so much the more painful, inasmuch as it has happened in a place in the district under my command, and on an individual under the orders of your excellency, and a citizen of the United States—of a nation with whom, in all acceptations, the Spaniards of both hemispheres are found united.

So unexpected a misfortune, which, it seems, ought never to be feared in friendly establishments, appears to carry on itself a character of criminality, which more and more aggrieves my feelings.

But the juncture of the circumstances which have conspired towards this fatality, according to the information received by me, is such, that, if your excellency will be pleased to examine it with impartiality, you will perceive that, if the facts are not sufficient to mitigate the regret, they are, at least, enough to prove that there has been no intention of failing in regard to your excellency, nor of offending any citizen of the United States, and much less their government.

The lieutenant of the King, and commandant of that place, grounded on various reasons, of which it is not important to trouble your excellency with a citation, but of which, however, I will point out a few, believed that he ought not permit the entering of the squadron until my arrival. One of his motives arose from his recollecting that, during the last year, an expedition was armed, in the ports of North America, against this island, and placed under the command of a man named Decoudray Holstein, which expedition actually went to the port of St. Bartholomew, under the American flag. And, among his other reasons, were the following: It has been reported here that another similar expedition is this year in preparation; that the schooners alluded to, on their entering, yesterday, would not receive the pilots on board unless they practiced with particular plans of the harbor, and the lead in their hand, of which the captain of the port made his complant; that, when the officers came on shore, a rumor was spread that they were saying Spain had ceded this Island, and that of Cuba, to the English, which relation they confirmed to the lieutenant of the King, as he himself has assured me; that their not having presented to him the writing, nor any expression from your excellency, he suspected he had found something alarming in these rumors, and not sufficient proofs that these were national vessels, merely by the uniform in which the officers were dressed.

These are some of the reasons which he has informed me he had in view in not consenting to the entrance of the squadron until my arrival; and, in consequence of them, he dispatched his orders to the Castle of the Moro, not for the purpose of committing hostilities, but merely preventive orders. He sent an adjutant, at half-past six o'clock in the morning, accompanied by an interpreter, on board one of the schooners under the command of your excellency, to entreat her commander to be so good as to call on the government, in order to agree with them on the means and form of making known to your excellency this their determination. Unfortunately, the commander of the American vessel deferred, in the first place, his seeing the lieutenant of the King until one o'clock in the afternoon; and, provoked by the adjutant to view it as an urgent case, and to consider duly the cause of his being disturbed, and of which he was fully informed, this commander promised the adjutant that he would go to the government as soon as he could dress himself. By an unheard of fatality, he did not accomplish this promise until after his hearing the firing of the cannons at the Moro, which might have been avoided had he only presented himself for an interview with the commandant of the place.

The remissness of this officer, and the pertinacity of him who commanded the schooner, in his not suspending his entering, in spite of the cannon that was fired without a shot, and without waiting for a pilot; but notwithstanding this, and the second discharge of a gun, at an elevation, to crowd sail, in order, at all events, to gain the port; these acts, most excellent sir, have been the means of depriving the United

States of a citizen, your excellency of an officer, of filling Puerto Rico with mourning, and myself with inexpressible sorrow. I feel it to be my duty to assure your excellency that the orders issued by the lieutenant of the King, and commandant general of the place, were by no means intended to commit hostilities or offence against the vessels; but as the firing was made at an elevation, either the tumbling of the sea, or perhaps some bad pointing, must have been the cause why the fourth discharge should produce such a fatal effect.

Immediately on my return to this place, I gave orders that all the vessels under the command of your excellency, of whatever description, may enter freely into this harbor, as into a port of friends, where they will meet that reception which the law of nations assigns to those who claim a title of civilization, and other privileges, secured by the treaties of friendship existing between the two nations. In this act, I anticipate for myself the satisfaction of being able to manifest, personally, all the consideration which your person merits from me, and my regret for so mournful and disagreeable an event.

May God preserve your excellency many years, excellentissimo señor.

MIGUEL DE LA TORRE.

To the most excellent Commander-in-Chief of the Anglo-American Squadron,
in the offing of Puerto Rico, D. DAVID PORTER.

OFFICE OF THE CAPTAIN GENERAL OF PUERTO RICO, *March* 7, 1823.

MOST EXCELLENT SIR: One of the first objects of my attention, as soon as I was informed of the mournful accident concerning which I wrote to your excellency in my letter of yesterday, was to acquaint myself with the actual condition of the wounded individual, in order that he should be located where the duties of friendship might be exercised for his accommodation and comforts; but, being certified that he had died, during the transaction before related, I could do no otherwise than give my orders that his funeral should be conducted with all the decorum and manifestation of respect due to an honorable officer of his character and station; and causing his corpse to be attended to the grave by a procession, composed of the principal chieftains, authorities, and other officers of this garrison. In this act, I could wish that your excellency might recognize an expression of the lively sorrow which has been excited in me by this misfortune.

May God preserve your excellency many years, excellentissimo señor.

MIGUEL DE LA TORRE.

To the most excellent Commander-in-Chief of the Anglo-American Squadron,
in the offing of this port, D. DAVID PORTER.

Commodore Porter to the Governor of Porto Rico.

U. S. SHIP PEACOCK, *Aguada, March* 8, 1823.

To his excellency the Governor of Porto Rico:

YOUR EXCELLENCY: On the 3d of this month I dispatched from the squadron under my command the United States schooner Grayhound, commanded by Captain John Porter of the United States Navy, who was the bearer of a letter from me to your excellency, written in strict conformity with instructions which I had received from my government, propounding certain inquiries to enable your excellency to put me in possession of such information as would place it in my power to fulfill the benevolent intentions of the Government of the United States, without infringing on the rights of Spain as a belligerent.

The commander of the Grayhound was directed to remain in St. John's two days, for your excellency's answer, and then to join me off the port, or at this place, where I proposed watering the squadron under my command.

On the second day after his arrival at St. Johns, I directed the commander of the United States schooner Fox to proceed there with his vessel to ascertain what time it was probable your reply would be obtained, with orders to return immediately, and apprise the commander of the United States schooner Beagle, another of my squadron, of my intention to come to this place.

On the arrival of the Fox within gun-shot of the castle, I was much surprised to observe that six guns were fired at her; but, knowing of no cause to justify such an act of violence, I should have thought that perhaps I might have been mistaken, had not the commanders of all three of those vessels failed to obey my instructions, which could not have happened but for some violent detention by the authorities at St. Johns.

Until I am better satisfied of the fact, however, I shall refrain from the expression of my sentiments on the subject, and shall, for the present, merely observe that their character could not have been misunderstood: as my squadron, at the time of the departure of the Fox, was laying in full view of the castle, with their colors flying, and a British squadron, under the command of Sir Thomas Cochrane, which had several times communicated with me, and well knew the vessels, arrived there the day previous to the last-mentioned vessel, and on the day previous to my arrival off the port.

I know not whether my suspicions are correct; but I have, in the event of their being so, directed the senior officers to abandon the vessels and leave the Island of Porto Rico as soon as possible, leaving it to my country, to whom I shall make known the facts, to resent the outrage as it may think proper, and which it will, no doubt, do promptly and effectually.

Your excellency must be aware that it is always in my power to retaliate, and even in this place; but it would be a poor return for the friendship and hospitality I have received from its inhabitants, and I cannot reconcile it to myself that the innocent should be made to suffer for offences not their own.

With great respect, I have the honor to be your excellency's most obedient humble servant,

D. PORTER.

Commodore Porter to the Captain General of Porto Rico.

U. S. SHIP PEACOCK, *Aguada, March* 11, 1823.

To his excellency the Captain General of Porto Rico:

YOUR EXCELLENCY: I have the honor to acknowledge the receipt of your several favors of the 6th and 7th of this month.

That which is in reply to the letter I had the honor to address you on the 4th, is perfectly satisfactory in all its details; and the promptness with which you have been pleased to attend to it, as well as its contents, will, no doubt, be highly gratifying to the Government of the United States.

I know not how to touch on the melancholy subject of your other letters, without giving vent to some of those feelings which operate at this moment on my mind. I shall endeavor, however, to treat it coolly and dispassionately, and hope, by a few facts, to convince your excellency that there was not the shadow of an excuse for interdicting the entrance of my squadron into the harbor of St. John's; that nothing can justify the order issued by your second in command, to fire upon any of the vessels composing it; and that the act of firing was, to say the least of it, an act of the most unpardonable cruelty and barbarity. It is painful to me to see that your excellency has labored to justify the act, and to throw the blame on the commander of one of the United States vessels, then in port.

A statement in the Echo of the 8th, drawn by the same hand that penned your letter to me, is given to the public, with the same object in view. Your excellency may have reasoned yourself into a belief of the correctness of the inferences you have in both cases drawn from information given you, or both may have been considered as necessary and proper to prevent excitement; but I must be excused for saying to your excellency that the charge is only an aggravation to the outrage which had already been committed. It was not the duty of that officer to move at the beck and call of the King's lieutenant, or to leave the duty unexecuted which I had sent him to perform, to communicate to me the hostile intentions of a subaltern, which, had they been fully explained to him, he never could have believed he would have dared to have carried into effect; but they never were explained, and no such conversation took place between the King's lieutenant and the American officer as is related by your excellency. Your excellency has been misinformed on the subject; and had it taken place, and had it been the duty of the American officer to have communicated to me the intention to prevent my coming into port, it would have been impracticable for him to have executed it, as the sea raged with such violence at the time that no vessel or boat could possibly have left the harbor.

It is not magnanimous in your excellency to resort to such means to excuse the bad conduct of those under your command.

The officer you would implicate was the bearer of a dispatch from me to your excellency, apprising you of the benevolent intentions of my government in fitting out the squadron I have the honor to command.

He had been two days in your port, and was possessed of a copy of my letter to you, which had been seen by your second in command at the moment of presenting himself to him, which was on the day of his arrival; and if any doubts existed as to his character, or to the character of the vessel under his command, being in the power of the authorities of Porto Rico, they could easily have satisfied themselves. But he had been received and treated as an American officer; and it is only to endeavor to palliate or excuse the conduct of the offending individual, that your excellency has sought for facts, which would never have been brought into notice but for the lamentable circumstance which gave rise to these painful remarks.

He informed your second of the character of my squadron; a British squadron was then lying in the port, which knew me, and, there cannot be a doubt, had communicated intelligence of my intentions to visit Porto Rico.

The sloop-of-war, on board which my pendant was flying, with some small vessels of my squadron, were lying in full view of the castle, with their colors hoisted; the schooner which was fired into was standing directly into port, in open day; she could not have escaped, after the first shot was fired, or have given up her intention of going into St. John's, had she been so disposed, or had she understood what was intended by the firing. But, let me ask your excellency, who for an instant could have supposed that a small schooner, of scarcely forty tons burthen, mounting only three guns, with a complement of twenty-five officers and men, would have occasioned any alarm to the city of St. John's, surrounded as it is by fortresses, rendered as impregnable as nature and the art of man can make them? Was it not more natural to believe that the firing was intended to compel her approach? And, even if the intention was not complied with, ought not her feeble condition to have claimed from those in your fortress some mercy? But, no! the vessel, after the death of her lamented commander, was compelled to anchor between the forts, where a tremendous sea was running, which jeopardized the lives of every one on board; to send the small boat on shore, where the young midshipman who commanded her was insulted, by having a heavy gun pointed at the boat, and threatened with destruction if he attempted to move from his position. He was then taken, like a criminal, and placed under guard.

These are facts, your excellency, and incontrovertible ones.

Let me ask your excellency what better proofs you have of the character of my squadron now than were produced on the first day of the arrival of the officer you wish to implicate? What further examination has been made, that the authorities of Porto Rico are better satisfied of our being Americans now than they were before? None.

I repeat it, that the character of my squadron was well known in St. John's. Even in this obscure place, I found American newspapers containing all the details respecting it; and at St. Thomas I saw persons direct from St. John's, who informed me that its equipment and object were well known there. There has, in fact, been a degree of publicity given to the expedition, and an interest felt in it, that have been rarely equaled. The whole of the civilized world was interested in its success. It is in vain, then, to say that we were taken for lawless invaders; and it is unjust to stain the character of my country by a charge of the frequency of hostile expeditions against the Spanish possessions, or offer them as an excuse for the conduct of the offender. Bad men escape sometimes the vigilance of the most rigid authorities, and no government deserves reproach when it does its utmost to detect and bring them to punishment.

I find your coasts lined with troops, since my arrival here. I find reinforcements daily coming

in, as I am informed by your order, to protect the inhabitants from my resentment. I have found every precaution taken to keep me in profound ignorance of the lamentable occurrence, but these things were all in vain. I saw the insult offered to the flag of my country. I have satisfied your military commanders that their force is despicable when compared to that at my disposal, and I have convinced the inhabitants that, although they are at my mercy, they will not be made answerable for the offence of an individual.

It is not, then, becoming to the character of your excellency to resort to subterfuge, in order to divert the odium of the act from one officer, to attach blame to another.

I will further ask, why a rigor should be exercised towards vessels bearing the American flag, that was not extended to the British squadron, or to the French frigate which arrived subsequent to the attack on Lieut. Com. Cocke? In the one case there was only a small schooner to fire at; in the other, there were vessels of force!

Had he fallen in battle, and by the hand of a declared enemy, we should have been reconciled to his fate by the proud satisfaction that he died in the performance of his duty to his country; but, to be thus cruelly torn from us, and by the hand of a dastard, whose aim was the more sure from a confidence in his own safety and the defenceless condition of his object, admits of no consolation.

Your excellency, in conversation with the officer you wish to implicate, adverted to the affair of the Panchita as some palliation for the offence; and there is too much reason to apprehend that the officer who gave the order to prevent the entrance of my squadron, as well as those who executed it, thought this a fair opportunity to retaliate. Otherwise, why heat shot in the furnaces to destroy my squadron? Why open two batteries on the schooner, and why fire round shot and langrage while the lamented victim was hailing the fort? And why the remark of the man who pointed the gun, that the shot was intended to avenge the Panchita?

Your excellency will recollect that, in the case of the Panchita, there was an equality of force. Such an occurrence would not have taken place had there been as great a disparity as in the present instance. The cases are not, therefore, parallel; and if the satisfaction of retaliation was sought for, the offenders have failed in their object: it is yet to be obtained.

I shall leave the island to-morrow morning, with a heavy heart, and shall, without delay, communicate to my government the melancholy result of my visit here, which was intended for the benefit of the civilized world in general.

With the highest respect, I have the honor to be,

Your excellency's most obedient humble servant,

D. PORTER.

Commodore Porter to the Captain General of Cuba.

U. S. Ship Peacock, *off Matanzas, March* 26, 1823.

Your Excellency: I have the honor to inform you that, in pursuance of orders from my government, I have taken command of all the United States naval forces in these seas, for the protection of the commerce of the United States against all unlawful interruptions; to guard the rights, both of property and person, of our citizens, whenever it may become necessary; and for the suppression of piracy and the slave trade.

As great complaints have been made of the interruption and injury of our commerce by privateers, fitted out from Spanish ports, I must beg your excellency to furnish me a descriptive list of vessels legally commissioned to cruise from Cuba, with a set of the blank forms of their papers, that I may know how and when to respect them, if I should meet with any of them.

I must also beg your excellency to inform me how far they have been instructed to interrupt our trade with Mexico and the Colombian republic, and whatever instructions or authorities they may have, affecting our commerce generally.

As the suppression of piracy, the principal motive of my visit to these seas, is an object that concerns all nations, (all being parties against them, and may be considered allies,) I confidently look to all for co-operation, whenever it may be necessary, or at least their favorable and friendly support, and to none more than those most exposed to their depredations. I therefore look with confidence to your excellency for the aid of such means as may be in your power for their suppression; and, in the absence of means, I beg leave to assure your excellency, that whatever course may be pursued by me to destroy those enemies of the human race, it will have no other aim; and I shall observe the utmost caution not to encroach on the rights, or willingly to offend the feelings, of others, either in substance or form, in all the measures which may be adopted to accomplish the end in view.

It will afford me sincere pleasure, should I be so fortunate as to fulfill the expectations of my government, and at the same time preserve harmony and a good understanding with those with whom I may be so unfortunate as to come in collision or discussion in relation thereto. Indeed it will add much to my happiness if it can be avoided altogether.

That such is my sincere wish, and that the objects set forth by me are the only ones which have brought me to these seas, I beg leave to assure your excellency in the most positive and unequivocal terms.

With the highest respect, I have the honor to be,

Your excellency's very obedient and humble servant,

D. PORTER,

Commanding U. S. Naval Forces in the West Indies and Gulf of Mexico.

To his Excellency *the Captain General of Cuba.*

[Translation.]

HABANA, *March* 29, 1823.

I feel much satisfaction in your arrival into these seas with the commission explained to me in your official letter of the 26th of the present month, which I am now answering; and I offer you at once a hearty welcome.

You are pleased to manifest that there have been great complaints on account of the mischief committed on your commerce by corsairs fitted out in the Spanish ports, and wish me to furnish you with a *description list* of the vessels lawfully authorized at the Island of Cuba for cruising; also, a set of blank forms of their papers, in order that you may know how and when to respect them, if you were to fall in with any of them.

In answer I must state, that as this business pertains exclusively to the *general marine command*, at this station, you will be pleased to address this department for these objects of your requisition.

This government, commodore (*Señor Comodoro*), anxiously desires, and loses none of the means in their disposal, to prosecute those enemies of the human race, even to annihilation; and you can be well assured that, on all occasions, it is, and will be, ready to lend every aid that is compatible with the territorial rights and privileges of the nations co-operating for the extermination of these freebooters.

Deign to accept the considerations of my respect and friendship.

God preserve you many years.

SEBASTIAN KINDERLAN.

Señor Don D. PORTER, *Commander of the Naval Forces of the United States in this sea.*

Commodore Porter to the Captain General of Cuba.

HAVANA, *April* 20, 1823.

YOUR EXCELLENCY: Having been informed that an order has been issued by your excellency to the military commanders of districts in this island, forbidding the entrance into the harbors thereof of the squadron under my command, I have, therefore, to repeat to your excellency, that I came by the orders of the Government of the United States, in aid of the local authorities, for the suppression of piracy, and for no other object, as I have always assured your excellency, and I have to beg of you to prevent any unpleasant consequences from the existence of an order so hostile to the interests of Cuba, and so opposed to the friendly and benevolent intentions of my government, that your excellency will be pleased to cause it to be revoked as early as practicable; and that you will furnish me with a paper, bearing your excellency's signature, whereby the friendly character of the forces under my command may be made understood by the aforesaid military commanders, as well as by all others in authority, with whom I may come in contact; and your excellency will pardon me for urging, with great earnestness, this request, as the knowledge of this order has been the source of great uneasiness to me, particularly since an admission on the part of your excellency confirms its existence.

I have the honor to be, with the highest respect,

Your excellency's most obedient and humble servant,

D. PORTER.

To his EXCELLENCY *the Captain General of the Island of Cuba.*

Commodore Porter to the Captain General of Cuba.

U. S. STEAM VESSEL SEA GULL, *Allenton, Thompson's Island, May* 16, 1823.

YOUR EXCELLENCY: I have the honor to acknowledge the receipt of your communication of the 10th, with the circulars accompanying it; and beg leave to return my sincere thanks for your prompt and satisfactory reply to my application of the 4th of this month, as well as assurances of the high sense I entertain of the favorable disposition of the higher authorities of Cuba towards the squadron under my command, which has been manifested by various acts that have greatly facilitated the execution of the duties entrusted to me; and it is the cause of great regret that I should have been under any erroneous impression with regard to orders of any kind, issued by your predecessor in office, in any way concerning the operations of my forces; and beg leave to offer, as my apology, the assurances of those who had stated to me that they had seen the orders; the admission of the captain general, as understood by [the] officer whom I sent to him on this subject, that orders of a restrictive nature had been issued; the conduct of the commandants of Mariel and Porto Cabanes; and information received from the commandant of Bahia Honda, that some orders with regard to the forces under my command had been received by him. The assurances of your excellency have put the subject forever at rest; and your circulars have relieved my mind from the serious apprehensions under which it labored.

Permit me to embrace this opportunity to felicitate your excellency on your arrival; to assure you that nothing but a severe indisposition has prevented my paying my respects in person; and to offer you my best wishes for your health and happiness.

I have the honor to be, with the highest respect, your excellency's very obedient servant,

D. PORTER,

Commanding U. S. Naval forces in the W. I. and Gulf of Mexico.

To his excellency Don FRANCISCO DIONISIO VIVES,

Captain General of the Island of Cuba and its Dependencies.

The Captain General of Cuba to Commodore Porter.

[Translation.]

HABANA, *May* 10, 1823.

In the last conference which you had with his excellency, my predecessor, you, no doubt, became satisfied with the friendly demonstrations and sincere offers of this government to that of the United States, unequivocally expressed by that chieftain, with explanations of the subjects of your doubts relative to his official letter of the 29th of March, in his last paragraph in answer to one from you, dated the 26th of the same month.

Having gained an understanding of this case, I have now the satisfaction of declaring to you that this government has not issued any order for prohibiting the entrance of the vessels, in the squadron under your command, into the ports of this island; but, on the contrary, your squadron will meet with every aid and co-operation, on the part of the local authorities, in the pursuit of pirates who may shelter themselves in the uninhabited coasts, compatible with the territorial privilege, conformable to the laws of nations. And I can do no less than assure you that the Spanish government, always a faithful observer of the rights pertaining to each nation, as well as jealous of their own, never would take measures of the kind to which you allude, without proclaiming their intention with that frankness and clearness which are its strong characteristics; and, in the present case, it has had no motive for acting contrary to the sentiments which it has heretofore expressed to you.

And that you may remain satisfied and convinced, I enclose to you circulars for the different commandants of the military stations on this island, in order that they may afford you all the assistance necessary for the attainment of your important commission. With this, I consider your official letter of the 28th of last month as answered.

This opportunity allows me the pleasure of offering my services to you, with the highest consideration.

God preserve you many years.

FRANCISCO DIONISIO VIVES.

Commodore DAVID PORTER, *Commander of the U. S. Squadron.*

Translated copy of a circular letter from the Captain General of Cuba to the commandants at the several military stations in that island.

OFFICE OF THE CAPTAIN GENERAL OF THE ISLAND OF CUBA, *Habana, May* 10, 1823.

An American squadron, under the command of Commodore David Porter, being destined to cruise about the coasts of this island, in aid of our forces, who are engaged in a like enterprise, namely, the purpose of exterminating the pirates who infest our seas, and cause so much injury to commerce in general, without respecting any flag whatever: and it being an obligation of every civilized nation to annihilate such banditti, who, heedless of their duties in society, employ themselves in such execrable practices, I have thought it proper to give orders that, wherever this squadron may arrive, and present itself to the constituted authorities, they must afford it every aid which may be compatible with the territorial privilege and respect.

God preserve you many years.

FRANCISCO DIONISIO VIVES.

The Captain General of Cuba to Commodore Porter.

[Translation.]

HABANA, *June* 30, 1823.

I have received your official letters, one of which is dated on the 21st and the other on the 24th of the present month. In the latter I observe a complaint of the conduct of the *provisionally appointed* Governor of Matanzas towards an officer of the sloop-of-war Hornet. I have, consequently, already made arrangements for a close investigation of this subject, in order to convince you that no other sentiments animate this government than what have already been manifested to you on several occasions, and from which it will never deviate; and, likewise, to satisfy you that its views are the same as those of the Government of the United States, in the extirpation of the enemies of the human race who have infested the coasts of this pacific island; and I wish you to be fully persuaded that it will never be able to view with indifference any intentional insult, committed by its subalterns, on the officers of any nation engaged in so laudable an enterprise.

In regard to your letter of the 21st, I would say that I will accomplish the objects of its contents without delay among those who are interested in their respective reclamations, applauding, at the same time, the just comparison which you make, of the rights of a strict neutrality towards the nation whom I have the honor of serving.

I renew to you my most distinguished consideration.

May God preserve you many years.

FRANCISCO DIONISIO VIVES.

To Commodore DAVID PORTER.

A true copy: P. WILSON, *Secretary.*

Commodore Porter to the Governor of Cuba.

U. S. GALLIOT SEA GULL, *Allenton, Thompson's Island, July* 13, 1823.

YOUR EXCELLENCY: With a full confidence that they will be brought to condign punishment, I send you, to be tried by the laws of Spain, five pirates, taken on board two piratical vessels by two of the barges of my squadron. I also send, by the same conveyance, two men, making part of the original crew of one of the vessels when she fell into the hands of the pirates.

The witnesses being on the spot, will enable you to make the punishment prompt, and the example, I have no doubt, will be highly salutary.

With sentiments of the highest respect, I have the honor to be,

Your excellency's very obedient and humble servant,

D. PORTER,

Commanding U. S. Naval Forces in the West Indies and Gulf of Mexico.

To his excellency Don FRANCISCO DIONISIO VIVES,

Captain General of the Island of Cuba and its Dependencies.

General Vives to Commodore Porter.

OFFICE OF THE CAPTAIN GENERAL OF THE ISLAND OF CUBA, *Habana, July* 24, 1823.

I acknowledge the receipt of your official letter of the 13th of the present month, transmitted by the schooner Ferret, with five individuals, under the character of pirates. These men were immediately put under the disposal of the judiciary authority, in order that they might be judged in a manner accordant to our laws; and the judge who was especially charged with the duty has directed to me the following official statement of the result of his examinations:

"MOST EXCELLENT SIR: The commander of the American schooner-of-war the Ferret, Mr. Thomas M. Newell, being examined, likewise the mariners whom he presented before me, and those whom he brought here as prisoners, by order of Commodore D. Porter, of whom three were, by the disposition of your excellency, committed to the jail, and two to the hospital of Saint Ambrosio, *characterized as pirates:* an appearance has not resulted that they had an actual participation in the *invasions* and *robberies*—they were brought to their condition by compulsion. But, as I have information that those who escaped are now apprehended and carried to Matanzas, where a process will be instituted against them, and where the most sure means will be adopted for discovering the plain truth, I have considered it expedient to send these prisoners to Matanzas, hoping that your excellency will be pleased to facilitate their transportation, with the necessary provisions, affording to the disposition of the judge of that district the means of determining, with clear understanding, what has been done and what is now actually doing."

This copy is forwarded to you for your information and satisfaction.

FRANCISCO DIONISIO VIVES.

Commodore DAVID PORTER.

UNITED STATES SHIP JOHN ADAMS, *November* 12, 1824.

SIR: It has been officially reported to me that an officer under my command, who visited the town of Foxardo, of which you are the chief, in search of robbers and freebooters, who, with a large amount of American property, were supposed to have taken shelter there, and bringing with him sufficient testimonials as to his object and character, was, after they were all made known to you, arrested by your order, by armed men, and shamefully insulted and abused in your presence, by the captain of the port, after which he was sent by your orders to prison, and, when released therefrom, was further insulted and abused by the inhabitants of the town. His object in visiting Foxardo has by these means been defeated, and for these offences no atonement or explanation has yet been made.

The object of my visit is to obtain both, and I leave it entirely to your choice whether to come with the captain of the port and the other offenders to me, for the purpose of satisfying me as to the part you have all had in this shameful transaction, or to await my visit at your town. Should you decline coming to me, I shall take with me an armed force, competent to punish the aggressors, and if any resistance is made, the total destruction of Foxardo will be the certain and immediate consequence.

If atonement for the injury is promptly made, those innocent of the offences will escape all punishment. But atonement must and shall be had, and if it is withheld from me, they will be involved in the general chastisement.

I shall hold the town and vessels in the harbor answerable for any detention or ill treatment of the officer who bears this letter.

I allow you one hour to determine on the course you will pursue, at the expiration of which time, if you do not present yourself to me, I shall march to Foxardo.

I have the honor to be, with great respect, your very obedient servant,

(Signed) D. PORTER.

To the ALCALDE *of Foxardo.*

UNITED STATES SHIP JOHN ADAMS, *Thompson's Island, April* 15, 1824.

YOUR EXCELLENCY: I have the honor to transmit you copies of two resolutions of the Congress of the United States, in the House of Representatives, adopted on the 23d of December last, requiring that the Secretary of State be directed to ascertain and report to that House, "whether the rocks called the

Double Headed Shot Keys, or any other of the rocks or desert islets near the Bahama banks, but separated therefrom by a deep channel, and in which the security of the navigation of the Gulf of Florida, requiring that light-houses or beacons should be placed, are within the dominions of any and what foreign kingdom or State; or whether they are not now subject to be appropriated by the right of occupancy;" and, secondly, "That the President of the United States be requested to negotiate with the government of Great Britain for a cession of so much land on the Island of Abaco, at or near the Hole in the Wall, and on such other places within the acknowledged dominion of that power, or the islands, keys, or shoals on the Bahama banks, as may be necessary for the erection and support of light-houses, beacons, buoys, or floating lights, for the security of navigation over and near the sand banks, and to be used solely for such purposes."

In consequence of these resolutions, and a call made by the Secretary of State on the Secretary of the Navy, the whole subject has been referred to me, with instructions to obtain the necessary information thereon, to be laid before the government, and I have the honor to solicit of your excellency the information called for, with your opinion as to what portion of the Island of Abaco, near the Hole in the Wall, and what other places within the acknowledged dominion of Great Britain on the islands, keys, and shoals, as described in the resolutions, may be necessary for the purposes therein mentioned.

The description of the places should be made with sufficient precision, with regard to topography, to be inserted in the articles of cession, if the consent of Great Britain to make it should be obtained.

Such information as your excellency may be enabled to furnish, without reference to his Britannic Majesty's government, I shall be glad to have as early as convenient; and where reference is necessary, where the information may be obtained, I beg that I may be enabled to lay it before the Government of the United States with as little loss of time as possible, in order that an object so desirable to the commercial world may be promptly undertaken and speedily executed.

I had hoped to have had it in my power to have done myself the honor to make this application in person, but circumstances connected with my public duties deprive me of the pleasure I had anticipated.

With the highest respect, your excellency's obedient servant,

(Signed) D. PORTER.

To his excellency Major General L. GRANT, *Governor of the Bahamas.*

OFFICIAL COMMUNICATIONS TO AND FROM THE BRITISH OFFICERS IN THE WEST INDIES.

Sir Thomas Cochrane, Captain of his Britannic Majesty's ship Forte, and commanding a squadron of his Britannic Majesty's ships and vessels at Porto Rico, to Commodore Porter, commanding the United States squadron in the West Indies and Gulf of Mexico:

HIS BRITANNIC MAJESTY'S SHIP FORTE, *Porto Rico, March* 6, 1823.

SIR: I avail myself of the opportunity offered by the United States schooner Grayhound, to return you my best thanks for the ready attention to my communication of the 4th instant, as well as to renew the assurances of my sincere desire to cultivate that harmony and good understanding so happily existing between our respective countries, and in which I am only anticipating what I know would be the commands and wishes of my own government.

The extended view you have taken of the measures necessary to be pursued against pirates, in the orders issued to your sqadron, must entitle you to the thanks of all nations who have commercial relations in these seas.

And I will not fail to communicate to Commodore Sir Edward Owen the signals by which the several vessels of your squadron may be known; and, in conformity to your wishes, I beg leave to enclose a signal, by which the vessels on the leeward island station may be recognized on meeting your cruisers, which I am sure the commodore will cause to be communicated to the ships and vessels under his command, without loss of time.

With sentiments of the highest consideration,

I have the honor to remain, sir, your obedient servant, THOS. COCHRANE.

[Quadruplicate.]

The Commodore Sir Edward W. C. R. Owen, Knight, commander of the most honorable military Order of the Bath, commanding a squadron of his Britannic Majesty's ships and vessels, to Commodore Porter, commanding the naval forces of the United States of North America in the West Indies:

SIR: Captain Sir Thomas Cochrane, of his Britannic Majesty's ship Forte, having represented to me the particulars of his correspondence with you, upon the circumstances which occurred on the occasion of his Majesty's sloop Bellette communicating with the Grayhound, a schooner-of-war belonging to the Government of the United States of North America, and under your command, I have great pleasure in adopting the signals which have been established between you for the recognition of the vessels of each squadron by those belonging to the other; a measure well calculated, not only to prevent unnecessary interruption, but to ensure co-operation, if any case of mutual interest shall require it.

I hope to find in this measure, and in the conciliatory style of your reply to the representation which Captain Sir Thomas Cochrane thought right to make to you, a firm foundation for that confidence, goodwill and harmony with which the officers of friendly powers should meet each other; and I assure you that I shall be at all times happy, in what regards myself, to set a good example of this feeling, and to cultivate in those whom I command the same good disposition with which I have now the honor to subscribe myself,

Sir, your very obedient, humble servant, E. W. C. R. OWEN.

On board his Britannic Majesty's Ship the Gloucester, in Carlisle Bay, Barbadoes, March 22, 1823.

N. B.—Copy of an order issued with them is enclosed.

[Extract.]

Extract from a report made by Captain Maclean, of his Majesty's brig Bustard, to Commodore Sir Edward Owen, K. C. B., dated—

HAVANA, *July* 5, 1823.

E. W. C. R. Owen, Commodore:

On the 9th of June, the Speedwell came off the fort, when she was dispatched to Manati. On that day the United States schooners-of-war Fox and Weasel, with two barges similar to ours, arrived, under the orders of Lieut. Watson, the commander of the steamboat Sea Gull. He waited upon me, and most handsomely offered to place his force under my orders, which I would not accept of, but stated, as we were employed upon a similar service, we could mutually consult what measures were best to be observed, and the pleasure we all felt in acting in concert.

We were together some time, and they never did anything without consulting me, and the utmost unanimity and friendship were observed. On the 10th sailed from Nilarra, two squadrons in company, which were dispersed along the coast. On the afternoon of the 11th, we all anchored at Nuevitas.

It took us to the 13th making various researches, and boarding various vessels at the upper part of the harbor, which extends five leagues.

We that day proceeded to Cayo Confites together, and on the morning of Saturday, at daylight, observed two ships on shore, on the Chesterfield reef, Cayo Verde. We immediately dispatched all our boats, and found them to be the American ship Warrington, L. Dillingham, master, from Bordeaux to Havana, and the Hamburg ship Cæsar, W. James, from Hamburg to Havana. They had got on shore that morning at 4 o'clock. After every exertion was used to extricate them, without effect, we were under the necessity of getting what cargo we could on shore on Cayo Verde, and commenced their destruction, to prevent pirates equipping from the wrecks.

The Americans dispatched, by mutual wish, the Weasel for New Providence, to provide vessels to carry away the cargoes, which were most valuable, at least from two to three hundred thousand dollars; but from the linens getting wet made them of little value. On the 18th I dispatched the barge to visit all the keys and inlets to Boca Lagua la Grande, proceeding with the Bustard towards Ginger Key, on Bahama bank, and left the Speedwell, with the American schooner Fox, and two barges, to protect the property on Cayo Verde. I anchored that night on the bank, and the following morning had the misfortune to break my anchor in purchasing it. We were anchored in a bottom of sand and limestone.

It affords me much pleasure in stating the manner and conduct observed by the United States squadron when we were at work on the wrecks, as also on shore at Cayo Verde, where we had guards placed, and the officers observed each others orders according to rank, and our respective crews went to the senior officer for order and to make their reports while employed personally on board the wrecks or on shore.

The American commander invariably came to me, before commencing any new service, for my sanction. They got their vessels under way to pick our boats up, let us make use of their pilots, and considered our squadrons as one.

The Commodore, Sir Edward W. C. R. Owen, Knight, commander of the most honorable military Order of the Bath, and Commander-in-Chief of his Britannic Majesty's ships and vessels employed in the West Indies and seas adjacent, to Commodore Porter, commanding the naval forces of the United States of North America, in the West Indies:

SIR: The chief command of his Britannic Majesty's ships and vessels in these seas having devolved on me by the return of Rear Admiral Sir Charles Rowley to Great Britain, I avail myself of the occasion of his Majesty's ship Tyne, passing near the rendezvous of the squadron under your command, to make known to you that circumstance, and to repeat to you the assurance that I shall always have great pleasure in cultivating with yourself, and between the officers and others we respectively command, that confidence and amicable feeling, which it is no less my inclination than my duty to preserve, by all means in my power.

I take the opportunity, at the same time, to enclose you the counterpart of a letter which I had the honor of writing to you from Barbadoes, and which has been forwarded by several vessels with the hope of reaching you.

I beg, also, further to acquaint you that, after a patient investigation in a court of vice admiralty in this island, the captain and nineteen of the crew of the pirate schooner Zaragozana, captured by the boats of his Majesty's ships Tyne and Thracian, after communicating with you in the Bahama channel in the month of March, have been condemned to death.

And, that the trial of three others, forming, with the exception of those who gave evidence, the remainder of those captured by the boats, has been deferred, to allow them to procure some proof which they consider will be favorable to them.

This, together with the numerous vessels which have been destroyed of late, I hope will give a check to the nefarious practices of these remorseless depredators, and relieve the peaceful trader from all fear of future outrage.

And, in the hope of seeing this great end accomplished by the exertions of the several individuals we respectively command, in which we may preserve a commendable rivalry, I have the honor to subscribe myself, sir, your very obedient and humble servant,

E. W. C. R. OWEN.

On board his Britannic Majesty's Ship the Gloucester, in Port Royal Harbor, Jamaica, May 19, 1823.

Commodore Sir Edward W. C. R. Owen, Knight, commander of the most honorable military Order of the Bath; Commander-in-Chief of his Britannic Majesty's ships and vessels employed in the West Indies and the seas adjacent, to Commodore Porter, commanding the naval forces of the United States of North America, in the West Indies and Gulf of Mexico:

SIR: I avail myself of the arrival of the schooners Grayhound and Beagle, to acknowledge the receipt of the letter which you did me the honor to address to me on the 12th of June last, inclosing one for Captain Sir Thomas Cochrane, commanding his Britannic Majesty's ship the Forte; and I shall not fail to transmit the gratifying assurance which it contains, that the respect it was his pride and duty to show to the remains of a gallant officer, whose estimable qualities had endeared him to his brethren and to those who best could estimate his worth, had been received with satisfaction by yourself and the several officers under your command.

He will receive, with pleasure, that testimony of the interest which you take in promoting and improving the sentiments of mutual good-will which hitherto have marked the intercourse of the vessels of our respective squadrons, a disposition which, I trust, the confidence that we reciprocally manifest will confirm and render still more perfect.

I am happy to enclose you a gratifying proof of this improving sentiment of good-will in an extract from a report which has been made to me by Captain Maclean, of his Majesty's brig-of-war Bustard, making known to me how perfectly a small detachment from your force, commanded by the Lieut. Commandant Watson, has co-operated with him in the service which I had entrusted to his guidance; and I beg that I may be permitted to express the pleasure that communication has afforded me.

I am happy, further, to acquaint you that a piratical schooner, which had been cruising in the vicinity of the Isle of Pines, was driven on shore, and captured by the schooners Lion and Union, under my command, on the 5th June; and, though the crew escaped on shore, I am glad to learn by some Cuba papers, that a party which had been ordered by the commandant of Trinidad to pursue them into the interior, had been successful in taking a considerable number of them.

I cannot close this letter without offering you my congratulations on the success attending the exertions of Captains Kearney and Newton in destroying the piratical establishment at Cape Cruz, in which vicinity a row-boat had, a short time back, been stated to have robbed some smugglers.

Although your squadron has not been fortunate in capturing the crews of pirates, who, since the affair of the Zaragozana, are cautious in committing themselves, by a resistance which denies escape, yet the judgment with which your squadron is distributed, and the perseverance which your officers have shown, under circumstances of great deprivation, have not been unrewarded; and, to these causes, we may attribute truly a considerable portion of the comparative security which the merchant vessels, passing through the gulf, have felt since its arrival.

I trust success will still mark the exertions it is making for the general benefit.

I have the honor to remain, with sentiments of sincere respect,

Your very obedient humble servant,

E. W. C. R. OWEN.

On board his Britannic Majesty's ship Gloucester, in Port Royal Harbor, Jamaica, July 28, 1823.

To Commodore Porter, commanding the naval forces of the United States of North America, in the West Indies:

HIS BRITANNIC MAJESTY'S SHIP GLOUCESTER, *in Port Royal Harbor, Jamaica, Sept.* 23, 1823.

SIR: I have had no opportunity since the arrival of his Majesty's brig the Bustard, of forwarding to you the sincere acknowledgments that I so justly owe you, for the kindness and attention which you lavished on that vessel's sick and helpless crew, when her captain thought it right to seek refuge at your rendezvous.

In my own name and that of Captain Maclean, and of every officer and man belonging to her, I beg you will accept my warmest thanks, not only as the attentive care with which you watched the progress of that afflicting malady was consoling to the sufferers in the depression which attends disease, but as your own experience was made useful in the anticipation, and your stores were generously applied to the removal of their wants, even to your own deprivation, in cases where the infant state of your establishment did not enable it to supply them otherwise.

I have charged Captain Stafford, of his Majesty's sloop Carnation, if he has the good fortune to meet you, personally to repeat how sensibly I feel and how highly I value the humane and liberal sentiments which have governed you herein.

The necessities of the Bustard took largely from your supply of medicines and medical comforts: these I request permission to replace; and as arrow-root and castor-oil are native productions here, and not only abundant, but I hope good, I have given directions for a small quantity of each to be put up, and I request you will do me the favor to apply it to the comfort of any of your people who require it.

Whilst I sincerely hope that no case will happen to call on us for a return of kindness such as leaves me now so much your debtor, I will likewise hope all future intercourse between the officers of our respective services may be marked like this—by frank and liberal sentiments, such as best can soften prejudice and lead them to a just and proper estimation of each other.

It will be my duty to lay the report of Captain Maclean before the lords commissioners of the admiralty of the United Kingdom, in doing which I shall have pleasure likewise in repeating the sentiments I here convey to you, as I have now in renewing the expressions of consideration and esteem with which I have the honor to remain, sir, your most obedient, humble servant,

E. W. C. R. OWEN,

Commodore Commander-in-Chief of H. B. M. Ships and Vessels in the West Indies.

Captain Roberts, of his Majesty's ship Thracian, presents his compliments to the American commodore, and would have had the pleasure of waiting on him, but is indisposed.

He begs to inform the commodore that the vessels at anchor are H. M. ships Tyne and Thracian—that all the boats of both ships are away on the coast, under Captain Wolcott, of the former ship. They have been away three days, and are expected back. Both ships have been on the coast, this side of Anguilla, for five weeks, and have taken nothing. The boats have been often away; and about nine days back, being off Ensenachos, the Thracian's boats chased amongst the keys a small schooner and three row boats, having with them a merchant sloop, apparently American. Not knowing the coast sufficiently, the boats could find no passage within sand banks, and were obliged to carry them over three. The sloop was aground, and threw all her cargo overboard, consisting of flour; but the other vessels went away to westward, within the keys, with a breeze. Night coming on, and it blowing strong from the north-northeast, the boats returned.

Captain Roberts will feel obliged to the commodore for any information or papers; and if he has anything to send to Jamaica, will be happy to convey it, as the ships are about to proceed there shortly.

H. M. S. THRACIAN, *March* 19, 1823.

H. B. M. S. BUSTARD, *Key West, July* 23, 1823.

SIR: I beg leave to acquaint you that, in cruising in the old Bahama channel with a small squadron under my orders, I had the good fortune to meet at Port Xilarra with a detachment of yours, under the orders of W. H. Watson, Esq., employed upon a similar service to myself; we were together a considerable time; and on two merchant ships being wrecked upon a reef of Cayo Verde, it afforded us the pleasing opportunity of acting in junction, both afloat and on shore, and I feel most sincere satisfaction in having the honor of reporting the unanimity and cordiality which were invariably observed. To Captain Watson I consider myself personally indebted for his friendly attention, and desire of keeping up an interchange of information which is most gratifying for officers to meet with from each other when pursuing the same object. I have come to this anchorage for the express purpose of making this communication, and felt a pleasing duty representing the same to Commodore Sir Edward Owen, whose orders to me were to co-operate with your forces, if it met the wishes of those officers I might have the pleasure of meeting with.

I have the honor to be, with every sentiment of respect and esteem, sir,

Your most obedient and very humble servant,

R. MACLEAN, *Commander.*

Commodore PORTER, *&c., &c., &c.*

SEA GULL, *Port Rodgers, July* 25, 1823.

DEAR SIR: I have the pleasure to acknowledge the receipt of your letter of the 23d, communicating the circumstances of your co-operation with part of my forces in the old Straits in the pursuit of pirates, and in the rescue of the cargoes of two merchant ships, wrecked near Key Verde, of your satisfaction in reporting the cordiality which prevailed, and making an offer of future co-operation.

On the return of Lieutenant Commandant Watson from his expedition, the representations made by him to me of the conduct of yourself and officers, on all transactions wherein you were mutually engaged, was most gratifying to me, and gave me a high opinion of your character, which I find loses nothing on acquaintance.

It will afford me, as I am sure it will every officer under my command, sincere pleasure to co-operate with you, or any other British officer, against our common enemy, so long as the same cordiality of feeling which has been manifested by you shall prevail.

It will be highly gratifying to me if the British officers on this station will visit our little establishment more frequently, and although we have not much to offer them, we can assure them of a hearty welcome.

With great respect, I have the honor to be, your very obedient servant,

(Signed) D. PORTER.

To Captain R. MACLEAN, *H. B. M. Brig Bustard.*

H. M. S. BUSTARD, *Thompson's Island, August* 8, 1823.

DEAR SIR: Your having placed in my hands an account transmitted you of an act of piracy, committed by the capture of the American brig Two Brothers, of Newburyport, I beg leave to acquaint you, for the information of those concerned, that upon the 11th of May last I visited Cumberland harbor, in the southeast end of Cuba, with H. B. M. sloop under my command, and found a vessel precisely the description; she was at anchor in the river Augusta, about a mile and a half from the entrance, and had been removed there by the Spanish authorities, whose charge she was under; the pirates had plundered her of everything on their abandonment at that port. The particulars of her capture by them was furnished me in a conversation with Don Jose De Lara, captain of the party at the district of Ma. Catalina, as also by Corn's O'Callaghan, a planter in that neighborhood, and the fishermen in the harbor; their depositions appear to coincide exactly with the description and account you have furnished me of the said vessel. The commandant, (or captain of the party, as he is called,) further informed me, that some of the pirates

who brought her in had been apprehended, and sent to the authorities of St. Jago de Cuba. I sincerely trust this may lead to the condign punishment of such an execrable act,

And have the honor to remain with esteem, dear sir, yours, most respectfully,

R. MACLEAN.

To Commodore PORTER, *&c., &c., &c.*

H. M. S. CARNATION, *Havana, January* 10, 1825.

MY DEAR SIR: Your kind and obliging favor of the 3d inst. I have had the pleasure of receiving, and feel happy to hear of your good health. The improvements you are making at Thompson's Island will be of great use to the naval establishment; I regret to hear from Lieutenant Liandet you have several cases of intermitting fever in the hospital, but I am in hopes, when you clear away a little more wood and drain the swamps, the place will become healthy. We have no news of consequence here. Several reports of piracy, notwithstanding our numerous force round the island. We have five vessels of war upon the south side, and the same number on this; but, excepting we have a *proper co-operation* from the shores of Cuba, it is my opinion the united navy of America and England would not effectually suppress piracy; they ought to insist upon hanging a few of the villains (who are now in confinement here for that crime,) at the entrance of some of the principal harbors in this island; such an example would be attended with universal benefit. A Spanish squadron, consisting of a frigate and two corvettes, will leave this upon Wednesday for the Castle of San Juan de Ulloa, taking down five hundred soldiers; we hear they are in a very bad state there, and without immediate succor must surrender. The Dartmouth frigate, Captain, the Hon. J. A. Maude, has relieved me, and I sail in a few days for Jamaica direct. I cannot yet say where my next cruise will be, but I hope to have an opportunity of visiting the United States shortly. The Dartmouth and three schooners are searching all the old channel of Bahama, and the Ferret is also in that direction. I beg you will offer my best respects to Mrs. Porter and family when you write, as also to Captain Dallas. I shall be happy to be the bearer of any letters, &c., from him to his relations in Jamaica. I shall not leave this before Thursday morning; therefore, if any vessel comes over, he will have an opportunity of writing them.

Believe me always with sincere respect and esteem, my dear sir, yours, truly,

R. MACLEAN.

Commodore D. PORTER, *&c., &c., &c.*

MISCELLANEOUS CORRESPONDENCE ON THE GENERAL SUBJECT OF PIRACY AND CONVOY, ETC.

TRINIDAD, *Cuba, May* 19, 1823.

David Porter, Esq.:

DEAR SIR: We have the pleasure of acknowledging the receipt of your esteemed favor of the 16th ultimo, with the enclosed information to American merchants and ship-masters. We are sorry to observe that it is not in your power to send any protection on this side of the island for the present, in consequence of the want of men. We have to assure you one or more small vessels are much wanted to cruise between Cape Cruz, this and Cape Antonio, for the protection of American vessels; at present there are two pirates off cruising between this and Cape Briton Key Quego, and it is impossible for us to say what depredations they may commit on the unarmed American flag, and we are sorry to say there is no armed vessel in port to send after them; we have therefore to hope your immediate attention will be drawn to the safety of American vessels coming and departing from this. We have no doubt but you are acquainted that those piratical vessels are generally fitted out from different ports in this island, and that they have their friends on shore, which in one sense is their protection towards piracy.

We remain, with the greatest respect, your most obedient, humble servant,

TATE S. GRAWNING.

CONSULATE OF UNITED STATES, *Alvarado, October* 10, 1824.

SIR: I have just received positive information that an American vessel, brig Cato, Hugh Delany master, has been boarded and robbed at Tabasco, at a place called Escovas, twelve leagues below Villa Hermosa, the principal town; the master and three men wounded. This vessel, together with another, the schooner Leader, both of Philadelphia, require protection, which I have no doubt you will promptly afford them. It is desirable, your vessel permitting it, that you proceed to Tabasco before entering this port. The masters of the aforesaid mentioned vessels are said to have landed their guns on the beach, and there formed a battery for their protection.

I am, sir, with great respect, your very humble and obedient servant,

WILLIAM TAYLOR.

Licutenant Commandant CHAS. BOARMAN, *U. S. Schooner Weasel.*

ANCHORAGE OFF SACRIFICIOS, *October* 4, 1823.

Commodore Porter, commanding the U. S. Squadron, Thompson's Island:

SIR: Forty-eight hours after sailing of the United States ship Hornet from the port of Vera Cruz, the Castle of St. John De Ulloa opened its fire on the town and forts of Vera Cruz, which has continued from

the 25th of last month to this day, at intervals, always answered by the Mexican forts; the injury done on either side is very trifling, but commerce is driven down from Vera Cruz, and must resort to other points. Alvarado, a bar harbor, thirty-six miles southeast from this place, admitting vessels of eleven feet, is the point which in all probability will be most resorted to.

It is impossible to foresee the termination of these hostilities; and should the Spanish authorities of Cuba support the Governor of Ulloa in his mad attack, it is somewhat probable that a blockade of Alvarado, and of the Mexican coast generally, may be undertaken. In such an event, the property of the citizens of the United States, to a considerable amount, may be placed in imminent hazard, and will require, to relieve it from jeopardy, some interference on the part of our government and of our naval force.

Three are at present in the port of Alvarado—the schooner Fame, of Philadelphia, and a schooner from New Orleans; the brig George and the schooner Tom, both of Philadelphia, sail from this anchorage on to-morrow, for the same port; several vessels from the United States, richly laden, are daily expected, and from the interior a considerable sum is expected, belonging to citizens of the United States, and intended to be shipped for our country.

I deem it my duty to apprise you of these circumstances. Your patriotism and vigilance, I have no doubt, will promptly induce you to adopt such measures as the case may require.

With much respect, I have the honor to be, sir, your most obedient servant,

T. REILLY, *Vice Consul of the U. S. for the Port of Vera Cruz.*

NEW ORLEANS, *April* 15, 1823.

SIR: A most atrocious act of piracy has been committed in Campeachy Bay, on the American brig Belisarius, attended by the murder of her captain and cook in a most shocking and cruel manner; and calls for every effort to bring the perpetrators to punishment. It also appears from the statement of the mate, and such of the crew of the Belisarius as have been examined, that, at the time this act of piracy was committed, there were several other vessels in sight, which, from hoisting the same flag with the vessel committing the act, must be of the same character.

With the view of destroying this piratical association, bringing the guilty to punishment, and affording protection to the commerce of the United States in the Gulf of Mexico, now very valuable, I have determined to retain the United States schooner Grampus, under your command, on that service, until the pleasure of the Department shall be known.

Proceed therefore with the United States schooner Grampus to the Bay of Campeachy, in pursuit of the piratical vessel or vessels above mentioned, "looking into as many of the ports and inlets, on the Spanish coast in your route, as safety and the nature of the service will permit, with the view of discovering any piratical vessels, and to afford protection to merchant vessels of the United States." In the detention or capture of vessels, you will govern yourself by the general cruising instructions and laws for the suppression of the slave trade and punishment of piracy, furnished you by the Navy Department.

Afford convoy and protection to any merchant vessels of the United States that may be bound from this to any ports on your route, and give notice at such ports as you may touch, that you will occasionally call off those ports, and give convoy to this port, Mobile, or Pensacola, particularly at Campeachy, Tabasco, Vera Cruz and Tampico; from which ports large remittances in specie are expected here. Communicate with me by such opportunities as may offer.

I am, very respectfully, sir, your obedient servant,

DANIEL T. PATTERSON.

To Lieut. Commandant FRANCIS H. GREGORY, *U. S. Schooner Grampus, New Orleans.*

[Extract.]

NEW ORLEANS, *December* 27, 1823.

The success that has attended your exertions, in the punishment and suppression of piracy, has surpassed the most sanguine expectations of our country, and justly called forth the best feelings towards yourself, officers and men.

The merchants here were much pleased by the arrival of the Wild Cat; and if you could spare a small vessel, to touch periodically at Alvarado, Vera Cruz, and Tampico, and thence to this port, the commerce of this port would be very materially benefited thereby. From those ports, and particularly Tampico, large sums in specie are frequently shipped to this place, and, from want of opportunities by vessels of war, they are obliged to risk it on board small merchant schooners; and could you establish a regular conveyance, by a vessel of war, the shipments would be greatly increased. Applications are frequently made to me, to know whether you would send any of your vessels to those ports, and permit them to transport specie to this place. Early part of this month, a small schooner brought up from Tampico $250,000 at once, which would have been put on board a vessel of war in preference, had one been there, the commission on which would have been 2½ per cent. A most essential service would be rendered to the merchants of this place by such an arrangement, and protection afforded to a most valuable and rapidly increasing commerce in the Bay Mexico, and, I hope, prove advantageous to yourself and officers. Any assistance I may be able to render you will be most cheerfully afforded.

(Signed) DANIEL T. PATTERSON.

Commodore DAVID PORTER, *&c., &c.*

NEW ORLEANS, *March* 18, 1824.

SIR: Captain Paillet, who has, for some time past, been engaged in the commerce between this port and Tabasco, in the province of that name, where he has a trading house established, and was captured in January last, by a piratical boat—called on me two days ago, to communicate the circumstances attending his capture, and such information as he had obtained while in their custody.

He was captured on board the American brig Harriet and Lucy, Captain Fanswart, of Hallowell, (which he had chartered,) on the 24th of January last, when close in with the entrance of the river Tabasco, by an open boat or pirogue, mounting an iron four-pounder in the bow—having a crew of sixteen athletic young men, armed with pistols and cutlasses—the crew all European Spaniards. The brig was taken possession of, but the officers and crew not materially maltreated.

The pirates represented themselves as part of a band consisting of fifty men, and, as they said, all equally strong and determined as they were, but that they were without a captain, and urged Captain Paillet to join their association and become their chief, which he resolutely refused, and demanded to be put on shore with the officers and crew of the brig, which they complied with on the following day, after plundering them of everything.

Part of the brig's cargo consisted of wines, a cask of which was, during the night, hoisted on deck, broached, and each helped themselves as they desired. The effects of the wine rendered the pirates incautious, and they conversed of their affairs without disguise, "in vino veritas." Captain Paillet, who is a native of this city, and understands the Spanish language perfectly, listened attentively to their conversation, and learned that their association, as before stated, consisted of fifty persons; that they cruised only in open boats or pirogues, never ventured far from land, and that their boats drew so little water as to be at any time beached with entire safety to their crews; their rendezvous is at the Island de Mugeres, or Mohair Key, lying off Cape Catoche, distant about five miles, to which place they take their prizes; and from thence send their goods to Merida, the capital of the province of Yucatan.

The channel or passage between the cape and island is alone used by them; the water not deep and the anchorage secure. As evidence of their security, they mentioned having captured a brig, and after cutting away her masts, moored her in this channel, where she remained upwards of two years; that they had not been molested by any cruisers, but that the Governor of Merida had once sent a party of soldiers against them, whom they had defeated.

My informant, who has been known to me several years, is highly respectable, and upon whose veracity and intelligence full reliance may be placed, thinks, from what he learnt, that deposits of property, to considerable amount, is made at Mohair Key, by these pirates; and, from his knowledge of the country, recommends, in case a force should be sent against them, that the vessels should not make the island in the day, but, if practicable, in the evening, that their approach to the island may not be discovered; then surprise them, and prevent their escape.

The commerce between this port and Tabasco, Sical and Campeachy is already very valuable, and fast increasing. Information relative to these pirates, and their movements, will be given by the Governor of Sical, where it is advisable to call, before proceeding to Mohair Key.

The boat that captured the Harriet and Lucy came out from the river St. Pedro, distant from Tabasco river only a few miles.

I have the honor to be, with great respect, your obedient servant,

DAN'L T. PATTERSON.

Com. DAVID PORTER, *commanding U. S. Naval Forces in the West Indies and Gulf of Mexico.*

[Extract.]

NEW ORLEANS, *March* 31, 1824.

I had the pleasure to write you by the Wild Cat, Lieutenant Wolbert. The schooner mentioned in that letter has made several trips to Tampico, and each time brought large sums in specie, and a small schooner lately arrived from thence with upwards of a million of dollars in gold doubloons; 'tis said a large amount is ready for shipment to this place, and waiting a secure conveyance—much of it American property. The best interests of our country, it appears to me, are promoted by the introduction of such large amounts of specie. I wish you would detach a small vessel or two to me; I could find employment for them beneficial to the public service.

(Signed) DAN'L T. PATTERSON.

Com. PORTER, *&c., &c.*

[Extract.]

NEW ORLEANS, *May* 20, 1824.

SIR: I received, with great pleasure, your letter of the 25th ult., by Lieutenant Ritchie. The arrival of the Fox, to be employed between this place and Tampico, has given general satisfaction to the merchants of this city, and indeed to the whole community; and I shall endeavor to make it beneficial to you, at the same time that it proves so to the public. Lieutenant Ritchie leaves this place this afternoon, to join his vessel at the Balize, and will sail immediately for Tampico, should this city be, (as I much fear it will,) afflicted this summer by an epidemic. The small vessels can rendezvous at Barataria, where they can receive any supplies they may require, without delay, from the city, and without exposure to the disease of the city; they can also there obtain fresh provisions in abundance.

We have all been gratified by the visit of young Farragut, of whom we have formed a high opinion; he has given us most gratifying information of you, Mrs. Porter and your family. This will, I presume, find you preparing for your return to the United States, as Lieutenant Ritchie informs me you will probably do in the ensuing month.

Piracy is now quite down, and will want only a force in the West Indies cruising, to keep it so. I have not heard of any act of piracy, or force, since my letter to you on the subject. Should I learn of any, it shall be immediately communicated to you.

Very truly, yours, &c.,

(Signed) DAN'L T. PATTERSON.

Com. PORTER, *&c., &c.*

[Extract.]

SEA GULL, *Port Rodgers, July* 19, 1823.

I notice what you say relative to the agitations which prevail in Cuba, and have in consequence sent the schooner Fox to cruise off Havana, and to communicate with you every day.

If in your opinion a sloop-of-war will be necessary to take on board the specie of our merchants, and other valuable property to transport to the United States, or to this place for temporary security, please to give me the earliest intelligence, and one shall be sent.

Lieutenant Commandant Ritchie has orders to return to this place with any communication you may have to make to me.

With sentiments of respect and esteem, your obedient servant,

(Signed) D. PORTER.

Directed to Messrs. CASTILLO, BLACK & Co., *Havana.*

U. S. SHIP PEACOCK, *Thompson's Island, April* 5, 1823.

SIR: I have received your favor of March 28, and regret extremely my inability to comply with your wish at this moment, in keeping a stationary force off Havana, in consequence of those vessels having left the station, before my arrival, which I confidently expected to find here, and intended for regular convoy.

I have been under the necessity of employing some of my small vessels to convoy from Matanzas, and so soon as some others of them arrive, which are now to leeward of Cuba, I shall make a similar disposition with regard to Havana.

This you may rest assured of, that whatever force I may have at my disposal, I shall endeavor to employ it so as to afford the most effectual protection to our trade.

Hoping that your family have ere this arrived in safety,

I remain with great respect, your obedient servant,

(Signed) D. PORTER.

GEORGE KNIGHT, Esq., *Havana.*

NUEVITAS, *April* 16, 1824.

SIR: Although I have not the pleasure of knowing you personally, I know well your merit and your fame.

This will be handed you by Captain Legare; he has rendered, and is rendering, services to our country, in company with his brother officers, on this unprotected coast.

As I well know your desire to be universally useful, I take the liberty to recommend to your attention this part of the island. I do firmly believe that you cannot better employ a respectable vessel of war, in any situation, than on this coast from Sugar Key to Orange Harbor. Our vessels trade considerably to this place, and frequently suffer by piratical boats.

I wish you may find it convenient to order one of your vessels of war to this place, in about twenty days, to convoy out a schooner bound for New York.

I am your obedient servant,

JOHN OWEN.

Commodore DAVID PORTER, *commanding U. S. Naval Forces West Indies, Gulf of Mexico, &c.*

U. S. SHIP PEACOCK, *off Matanzas, March* 26, 1823.

SIR: By a brig bound to Havana, I embrace the opportunity to send you an extract of a letter from the Captain General of Porto Rico to me, dated the 6th inst., in reply to certain inquiries relative to the privateers fitted out from the island, and their authority for interrupting our commerce with the main.

The information it contains is interesting to our merchants, and I beg you to give it publicity.

I am now bound into Matanzas, to wait for the boats of this ship, which, with the greater part of her crew, and some small schooners, have been near a week absent among the keys, on the south side of the old straits.

We have examined all the keys on the other side, and have thoroughly sounded the north sides of Porto Rico, St. Domingo, and Cuba, as far down as Cayo Confites. I have sent small vessels down the north sides of these islands, to examine every place where a pirate would be likely to be found, and have dispatched the Shark to scour the coast from Caraccas to La Vera Cruz. I have made the most of the force under my command, but the result of all the operations I cannot know until I arrive at Thompson's Island, where they will rendezvous.

I hope to be there in a few days, and shall soon visit Cuba again. In the meantime, I beg of you to write to me at Matanzas, and give me all the information you can about the pirates, and if at any time you get intelligence of them, which it is desirable I should have soon, it will be well to dispatch a boat to Thompson's Island with the information, the expense of which I will cheerfully pay.

I send you a letter for the captain general, which I beg you, after reading, to seal and present to him. You will perceive the necessity of a speedy reply, but I fear one cannot be had before I leave Matanzas. I shall, therefore, leave behind me a vessel to bring the answer, which you had better send under cover to one of the American merchants, (or consul or commercial agent, if there be one established there,) to deliver to the commander.

By a list furnished me from the Captain General of Porto Rico, it appears that only four privateers are commissioned to cruise from that island, one of which is taken by the *patriot* cruiser Constitution, two others are laid up at Mayaguada, and one was spoken by part of my squadron on the south side of Porto Rico.

There is one privateer from Porto Cabello called the Esperanza, which sailed from St. Johns on the 20th January last.

I spoke a British squadron off St. Thomas, which afterwards went to St. Johns, consisting of a frigate and two sloops of war, being part of the force under Commodore Owen, and bound to the leeward station.

I also found two British sloops-of-war at Cayo Confites, searching for pirates. They had been on that service five weeks, and taken nothing. They informed me that they had burnt a house and flag staff at Key Encenachos, therefore if we should be charged with the act I beg you set the matter right.

At St. Johns an extremely melancholy occurrence took place, by the firing of the batteries on one of my small schooners, which resulted in the death of her commander, Lieutenant Commanding William C. Cocke.

The affair will occasion great excitement in the United States, and cannot be justified on any principle. The captain general has endeavored to atone for it by his regrets, but nothing short of the punishment of the officer who gave the order to fire on my squadron, will or ought to satisfy the government and people of the United States.

We enjoy unusually good health in our squadron, and I feel disposed to preserve it by avoiding Havana, which is the reason of my not visiting it now.

Have the goodness to let me know where our vessels on this station are, and all you know about them.

With great respect, I have the honor to be, your most obedient servant,
(Signed) D. PORTER.

JOHN WARNER, Esq., *American Consul, Havana.*

U. S. SHIP PEACOCK, *Thompson's Island, April* 5, 1823.

SIR: By a small expedition under Captain Cassin, I send you this, and it is likely you will often hear from me in this way hereafter. If any vessels arrive, another will leave here in a few days, and I hope hereafter, when I get organized, to afford regular convoy from Havana every Saturday morning, as I now do from Matanzas every Sunday.

I have not much more than half the force that I calculated on, in consequence of the vessels having unexpectedly left the coast of Cuba before my arrival. I shall do all I can with whatever force I may have, and I think I shall be able to give our trade effectual protection, and at the same time keep the pirates on the look out.

I have not yet received the letters I understood were sent to Matanzas.

With great respect, your obedient servant,
(Signed) D. PORTER.

JOHN WARNER, Esq., *American Consul, Havana.*

[Extract.]

U. S. SHIP PEACOCK, *Allenton, April* 10, 1823.

SIR: This will be handed to you by Lieut. Com. L. Kearney, of the Grayhound, who, with four schooners, is charged by me with the protection of our commerce at Havana and Matanzas.

He will give convoy from Havana every Saturday, and convoy will be given from Matanzas every Sunday. It will, however, be necessary to clean the vessels soon, as we have had no opportunity of doing anything to them since they left the United States. You will be informed when this is to be done, in order that the merchants may make their arrangements accordingly.

(Signed) D. PORTER.

Directed to JOHN WARNER, Esq., *American Consul, Havana.*

SEA GULL, *Allenton, June* 7, 1823.

SIR: On the 1st and 15th of every month one of the armed vessels under my command will leave Havana for the United States, with convoy, and her letter bag will be left at the counting-house of Messrs. Castillo, Black & Co.

Will you have the goodness to apprise the merchants of this arrangement, that they may avail themselves of the opportunities?

Very respectfully, your obedient servant,
(Signed) D. PORTER.

JNO. MOUNTAIN, Esq., *Consular Office.*

MATANZAS, *March* 29, 1823.

SIR: We, the undersigned, representing the commercial interest of the United States at this port, beg leave respectfully to greet you on your arrival among us.

The pleasure which, as Americans, in a foreign land, we should always experience in seeing the national flag of our country waving over the head of one of her most esteemed commanders, is in this case sensibly increased by the state of almost total abandonment in which we were left previous to your arrival—and the confidence which your character inspires, in constant and complete protection in future to our suffering commerce in this quarter. From the commencement of piratical depredations in these seas, the immediate vicinity of this place seems to have been a favorite scene for their operations. The numerous, secure, and intricate harbors above and below this place, to which they carry their prizes and plunder, the absence of any Spanish naval force, at the disposal of the governor of this place, and the very unfrequent appearance of vessels of war of any nation in this harbor, have emboldened the buccaneers to acts of audacious villany, which would scarce be credited by persons not near the scene of their perpetration, and accustomed to a different state of society. Vessels of the most contemptible force, and even open boats, have made captures, almost in the mouth of the harbor, in as fearless a manner as if their pursuits were lawful and proper; and with a knowledge of the actual existence of a force of this kind blockading the port, we have been without the smallest means of relief, and vessels have waited from ten to twenty days for convoy, and finding no prospect of obtaining any, have collected in large fleets and braved the danger—some have escaped, some been fortunate enough to repel their assailants, and some have been captured.

A day or two after an attack on the brigs Neptune, Bondoni, and Abeona, in which the pirates were repulsed, but remained still in the neighborhood, information was communicated to Captain Biddle, of the Macedonian, who, with the United States brig Spark, was then at Havana, and convoy solicited for seven vessels then here; but no answer was received, and after waiting many days they started without one. It is now but little less than five months since the blood of Allen stained the waves of Seguapa—since the foe was *left in possession* of that bay, and we believe that to this hour it is infested by these desperadoes; but the immense amount of property for which it has been the receptacle is notorious and acknowledged; yet in all the period we have named, we are ignorant of its having been explored by any armed force, or of any attempt having been made to ferret out the pirates from this their principal retreat; nor has convoy been afforded except on two occasions during that time. We are well aware that the limited extent of the American trade to this port, where only about two hundred and twenty vessels enter and clear annually, may not justify a large force for its protection; but when we reflect that in protecting it you cover also the commerce to Havana, Pensacola, and New Orleans, as is proved by the fact that *four out of five* of the vessels recaptured by the Alligator were bound to the two latter ports, and were captured very near here; and that a very small force is amply sufficient for the purpose; we are well assured you will grant it, and agree with us, two or three schooners cannot be better employed than in guarding so important a thoroughfare. We conceive that two small and one large schooner would be sufficient to afford weekly convoy from hence, which would be as often as necessary; and in convoying vessels outward bound from hence, those coming from the United States would also derive the benefit of it. At this particular conjuncture we beg to state that there are in port many vessels which will be ready for sea from the middle to the end of the coming week, and respectfully request that the schooners now about to proceed with the fleet may return as soon as convenient, to take the above-mentioned vessels under their protection, and continue to give convoy until it may suit your arrangements to send other vessels.

We are the more inclined to urge this request from the belief that the moment your vessels are out of sight depredations will be recommenced with increased activity and ferocity, as the *numbers* of the pirates have not been in any manner diminished. Leaving the subsequent arrangements for our protection entirely to your judgment and experience, we would add that, without any diminution of attachment to our native land, we feel a lively interest in the prosperity of Cuba, and the promotion and extension of its intercourse with the United States, which is highly beneficial to both; and to express our confidence that, through your judicious management and exertions, while the lawless, abandoned, and cruel desperadoes who infest the coast meet with prompt and exemplary chastisement, the relation of amity and good will which exists between the government and better *orders* of the people and the United States will be cherished and strengthened.

Appreciating, in the warmest manner, the motives which prompted yourself and the gallant officers of your squadron to volunteer in this service, where no laurel blooms on the brow of danger to tempt the eager aspirant to pluck it—and where humanity and patriotism *could alone have* supplied the place of the more usual, but less noble excitement of desire of wealth and glory—and wishing you and them every possible success, and the most ample and acceptable reward,

We have the honor to be, sir, your most humble servants,

LATTING, ADAMS & STEWART.
ATKINS & ALLEN.
SIMPSON, TRYON & CO.

To Com. D. PORTER, *commanding U. S. Naval Forces in the West Indies and Gulf of Mexico.*

U. S. SHIP PEACOCK, *Matanzas, March* 30, 1823.

GENTLEMEN: I have the honor to acknowledge the receipt of your representation, in behalf of the American merchants of Matanzas, of the unprotected state of the commerce of this place, and asking for convoy for the same.

It is the source of great regret to me that my means of affording convoy should be so circumscribed as they are, having now no vessels on the station but those intended for the pursuit and destruction of the pirates, and are illy adapted for the purposes of convoy. You may rest assured, however, that every effort shall be made, not only to afford convoy, but to effect the other objects of my visit to these seas, and it remains for us only to redouble our exertions to make up for part of the force which will be diverted from the object for which it was originally intended.

I shall, for the present, have two small schooners, the Wild Cat and the Beagle, to give convoy every Sunday morning, as far as the Double Headed Shot Keys; and when it shall be in my power to afford better protection, it shall be done.

For the flattering expression of your sentiments towards me, and the officers under my command, be pleased to accept my sincere thanks.

Believe me to be, gentlemen, your very obedient, humble servant,

(Signed) D. PORTER.

To Messrs. Latting, Adams & Stewart; Atkins & Allen; Simpson, Tryon & Co., *Matanzas.*

Matanzas, *Sept.* 17, 1823.

To Lieut. Commandant F. H. Gregory, U. S. Schooner Grampus:

Sir: Understanding that you are about to leave this station, we, the undersigned, beg leave to assure [you] of the high sense we entertain of the means you have adopted to protect our trade, of which we have received repeated benefits: at the same time, we feel it our duty to express our thanks to you for your promptitude in furnishing convoy, and assisting single vessels out of that bay, in furnishing boats to tow them out, when otherwise dangerous delays would have occurred in their getting to sea.

We also deem it necessary that the Navy Department should be made more fully acquainted with the forces which are necessary to guard against any future attempt to establish piratical hordes in this vicinity. This has been fully exemplified by the measures which you have adopted, of remaining in port with the U. S. schooner Grampus, and keeping out small launches to scour the coast; the result of which has completed every expectation, and cannot fail of being highly gratifying to Commodore Porter. We have no doubt that the salubrity of this port is well known to the Navy Department, and confidently hope that your success will induce them to adopt the same as a standing measure, while the necessity of this protection continues.

We should feel highly gratified, could we entertain the hope of your returning amongst us, and avail of this opportunity to assure you of our personal esteem.

We remain, sir, your obedient servants,

LATTING, ADAMS & STEWART.
LAWRENCE & MITCHEL.
CHARLES P. BUTLER.
SIMPSON, TRYON & CO.

Bank of the United States, *November* 20, 1823.

Dear Sir: I have been for some time desirous of communicating with you, previous to Commodore Porter's sailing, on the subject of employing some part of the West India squadron in protecting the trade between the United States and Mexico. There is now in that country, according to the best information I can procure, property to the amount of about one million and a half dollars, belonging to New York, Philadelphia and Baltimore, with a prospect of an increase of business. Besides incurring the risk of piracy, this property is subjected to great hazard in the ports of Mexico itself, during its convulsions, and this danger will be much increased, should there be an effort on the part of Spain, to reconquer the country, by sending an army there. In such an event, property which, on board of merchant ships, might be seized and confiscated, would be perfectly safe in a national vessel. It would therefore be highly useful to our commerce, and very acceptable to the merchants, if you could arrange the movements of the West India squadron in such a manner as always to keep one of the public vessels at Vera Cruz, or Alvarado, until she was relieved by another; thus enabling our countrymen to secure their property while it remained in Mexico, and afterwards obtain the benefit of convoy. The presence of such a vessel would, besides its direct protection of American property, occasion a considerable transmission, to the United States, of specie, which now finds its way to Europe, by other channels. There is another matter connected with it which deserves reflection. The exports of Mexico are almost exclusively specie and cochineal. Now cochineal is nearly as valuable, in proportion to its bulk, as specie; it occupies comparatively very little space, and is as good, if not a better remittance, owing to its high price in Europe. If our ships were allowed to receive this article as well as specie, it would be of great importance; and the indulgence might, perhaps, be fairly allowed, under the peculiar circumstances of our trade with Mexico.

This subject has excited considerable interest, and there is a disposition to present a memorial to the government; but on your account I should prefer, in case you approve the measure, that it come spontaneously from yourself.

The interest which the Bank of the United States has, in common with the country at large, in giving every facility to the introduction of a sound currency, will explain, and I trust excuse, the freedom with which I venture to submit these remarks for your consideration.

I have the honor to be, very respectfully, yours,

N. BIDDLE, *President.*

Hon. Samuel L. Southard, *Secretary of the Navy, Washington.*

I certify the above to be a true copy of the original on file in the Navy Department.

CHARLES HAY, *Chief Clerk.*

Navy Department, *May* 11, 1825.

NEW YORK, *August* 13, 1824.

MY DEAR SIR: Your esteemed favor of the 10th reached me this morning, and I shall ascertain to-day if the Spark will be in time for my purposes. I can assure you that my regret at the publication of the Matanzas petition was quite equal to your own; but my *indignation* was excited by the official or ostensibly official communication which accompanied it. The act of the clerk in the counting, was without a shadow of authority, and contrary to my orders; I immediately notified the editors of the paper of that fact; and seeing reference again made to it, in a wretched compound of folly and falsehood, published in the democratic press, I yesterday addressed a few lines to the editors of the American, which you will see in that paper of to-day. 'Tis wonderful that editors of papers should become dupes of such miserable retailers of lies as the writer of "the spy"—"pero no hay remedio."

I shall be infinitely glad to see you here; I am at 16 Broadway, but will not fail to look out for you.

And am, with the utmost sincerity, dear sir, your most obedient servant,

F. ADAMS.

MATANZAS, *December* 18, 1824.

MY DEAR SIR: I learn with much satisfaction, from your favor of the 15th instant, your arrival in our neighborhood, and shall anticipate the pleasure of a visit from you here at as early a period as your arrangements will permit. On the subject of piracies, as much is known, and much more said, in the United States than here. In the early part of summer, the John, of Newport, and Castor, of Portland, were captured near, and bound here; the former arrived here with some trifling loss of property, and the [latter] at Havana. No lives were lost in either case. The Mercator was said to be captured between this and Havana, from New York, bound to that place. No subsequent tidings have been received of her, and a passenger, a Spaniard, who escaped, appears to be the authority on which the capture was reported. The transaction at Bahia Honda comes next in order of date, and, beyond the recapture made by the Icaras, Capt. Graham, I have seen no evidence whatever of there having been other captures recently made there. I expect soon to see Capt. Graham, with whom I am acquainted, and shall procure from him correct information on the subject. The last instance of piracy of which we have any accounts, was the capture of the Laura Ann, of New York, near Cannise, a few leagues to leeward of this port, surpassing in atrocity anything I have known before. The Hornet had been some days in Havana; the Porpoise was there also, but just arrived from Africa; the Ferret had left there but a day or two before, when this vessel was taken, about the 21st October. Capt. Skinner arrived here about the 23d, and, without particular duty to act on, sent secretly an expedition of boats to Seguapa; on their return they encountered and captured the piratical schooner Ann, the clothes of Capt. Shaw, and much other plunder, which were brought in here. After Capt. S. had sailed, a sailor, in a wretched condition, was brought to me, who detailed the capture of the Laura Ann, the murder of the captain and crew, himself excepted, and his escape. The Ferret arriving next day, he was put on board, and Escondio, Cannise, and the adjacent coast searched by Capt. Bell. The long boat, and some half burnt spars and sails were found, and a man, recognized by the sailor, who was seized, brought here, and delivered to the authorities, where the business seems to have ended. The unceasing vigilance which has since been exerted by the different vessels, with their boats, along the whole coast, seems to render an act of piracy almost an impossibility at present. Some vessel-of-war is always here, and convoy given whenever desired, and boats almost always outside, above and below us. I am aware that censure has been cast on you, on account of recent depredations of the pirates; but those who know the advantages they have in changing their position, and assailing vessels passing down the coast, in despite of the vicinity of men-of-war, the facts I have stated with regard to the Laura Ann, prove that nothing short of a string of vessels round the island, in hail of each other, can prevent the plunder of *altogether unarmed* vessels. A very small armament would suffice for defence against small boats, and our naval force is sufficient protection against those of larger class. The Laura Ann had *no arms*—shame to her owners. The licensed pirates, or vessels *armed, manned, and commanded* by citizens of the United States, such as the Eagle, Polly Hampton, Columbian, &c., are only less annoying to an honest commerce than the murderers of Shaw.

We are now near two weeks without an arrival from the middle States, and have consequently few or no papers. I send all I can lay my hands on. It appears quite probable that the hero of New Orleans will be made President of the United States *by the people;* to us who have not been on the spot to observe any of the operations of electioneering, this sudden reeving round of the breeze of popular favor seems incomprehensible.

I shall attend to your little commission, and am, my dear sir, with the highest regard and esteem,

Your most obedient servant,

F. ADAMS.

SEA GULL, *Allenton, June* 7, 1823.

SIR: In consequence of the necessity for looking out for pirates on the south side, and the consequent dispersion of my forces, I shall not at present be able to give convoy so regular as I have done, but still I shall give it often and regular enough to protect our commerce. When some of the large vessels arrive that I daily expect, convoy shall be established as usual.

I give this information to prevent any disappointment on the part of the merchants and others, and I beg you to assure them their interests shall not be neglected.

With great respect, your obedient servant,

(Signed) D. PORTER.

F. ADAMS, Esq.

U. S. Ship John Adams, *Thompson's Island, December* 15, 1824.

My Dear Sir: I arrived here a few days since, and should have been over to see you, but for the daily expectation of two vessels from the United States, which will require, on their arrival, my immediate attention, after which I shall be under the necessity of going to Pensacola and Tampa Bay. I shall be with you about the middle of next month, and hope to find you in the enjoyment of health.

As there have been various and alarming accounts of piracies committed since last June, I will thank you to give me a statement of the captures known to have been made. It has been stated that the British discovered near Bahia Honda the wrecks of twelve vessels *lately* destroyed. Do you know anything of that affair? Are not those the wrecks of twelve sail of English vessels which were cut off a convoy about six or eight months before I first came to suppress piracy?

It is very desirable to get correct information on this subject, as the account is generally believed, and has brought great censure on me and others.

Please to send me papers of any date since I left the United States, for we are entirely out of news for upwards of six weeks.

With sincere respect, your obedient servant,

(Signed) D. PORTER.

F. Adams, Esq., *Matanzas.*

Trinidad de Cuba, *January* 26, 1823.

David Porter, Esq., Commodore of the American squadron on the coast of Cuba, &c.:

Sir: Feeling it a duty I owe to my countrymen engaged in trade to this side of the island, to address you on the subject of their protection, I take that liberty, knowing that all the aid in your power, you will cheerfully grant. This port has, for some time past, been infested with a small force of pirates, who have captured a number of vessels; and on the 20th instant, the brig Mechanic, of New York, bound in. They now hold the captain and two passengers as hostages for the ransom of that vessel, in the sum of $3,000, and have declared that unless the money is immediately sent to them, the hostages shall be put to death. Preparation is making to forward the amount, as there are no other means to rescue these unfortunate men. Their force will no doubt increase in proportion to their success, and the facility with which they have gained the amount of the ransom for the brig Mechanic, will induce a number of ill-disposed idlers to join them. Several valuable vessels are daily expected from Europe, and if no force is used to extirpate them, the loss of property will be considerable.

I have the honor to be, sir, your most obedient servant,

ROBERT R. STEWART.

P. S.—The hostages have just arrived, and say that the pirates have received the $3,000.

To the commander of the naval forces of the United States, stationed at or in the vicinity of Havana, Island of Cuba:

The undersigned, citizens of the United States, resident merchants and shipmasters in Trinidad de Cuba, respectfully represent, that this port is at present infested by a horde of pirates, who rendezvous among the numerous keys in the immediate vicinity; that the brig Mechanic, of New York, was captured on the 20th instant, by twelve of these wretches, in an open boat, within two leagues of the harbor; that, after plundering the vessel, and robbing the crew of their bedding and clothing, they abandoned the brig, detained the captain, second mate and cooper, demanding a ransom of $3,000—threatening them with death unless the ransom should be sent immediately after the arrival of the vessel in port; that a brig and schooner are now in the offing, both of which must fall a prey to the marauders; that there are no means in *our power* of affording them any assistance; that there are at present in port ten American vessels, and nearly that number daily expected, with valuable cargoes. We therefore beg leave to solicit your attention to the exposed situation of the American commerce, in this quarter, and pray that your aid and assistance may be extended for its protection. We have no doubt that the appearance of a single armed vessel would suppress these depredations.

BENJ. EDDY, of brig *Jacob.*
MATHEW RICE, ship *Jane.*
FOLDEN DEARTH, brig *John Smith,* Bristol, R. I.
JAMES TATE, jun., schooner *Louisa.*
WM. C. TILDEN, schooner *Lucy,* Baltimore.
THOMAS WOODBURY, schooner *Florida.*
JACOB WING, brig *Pilot.*
SAML. SPARLING, schooner *Cashier.*
TATE & GRONING.
LOM'S PRICE.
BABAD & CORNEILLE.

Trinidad de Cuba, *January* 25, 1823.

U. S. Galliot Sea Gull, *Matanzas, April* 16, 1823.

Gentlemen: I received your application for convoy yesterday, and had previously sent two schooners and two barges to the vicinity of Trinidada.

The whole number of men present under my command, do not amount to the number on board one of our large frigates; and with this force I have endeavored to give convoy to merchant vessels from this place and Havana, and at the same time pursue the pirates; consequently, I have not been able to give a convoy to those on the south side of the island.

The weakness of my force arises from the circumstance of some of our larger vessels of war, which I expected to have found here, having left these seas; but why they have done so is unknown to me. Hereafter, I hope to be possessed of better means, and to have it in my power to gratify your wishes at an early period.

I have the honor to be, gentlemen, your obedient servant,

(Signed) D. PORTER,

Commanding U. S. Naval Forces in the West Indies and Gulf of Mexico.

To the American Merchants and Shipmasters at Trinidad de Cuba.

[Extract.]

U. S. SHIP JOHN ADAMS, *Thompson's Island, December* 15, 1824.

As there have been various reports of captures by pirates, some no doubt greatly exaggerated, will you give me, as nearly as you can, an account of all captures *known positively* to have been made, both for my own satisfaction, and the satisfaction of the government?

As these accounts have brought censure on me and others concerned in the suppression of piracy—are not the twelve wrecks of vessels discovered by the British to leeward of Bahia Honda, the same that were cut out of an English convoy about six or eight months before I *first* came out to take command?

It is very desirable that correct information be had on this subject.

With sincere esteem, your obedient servant,

(Signed) D. PORTER.

VINCENT GRAY, Esq., *Havana.*

U. S. SHIP JOHN ADAMS, *Thompson's Island, January* 15, 1825.

SIR: I have received your letter of this date, applying for convoy for the schooner Leo, of which you are supercargo, to the port of Alvarado; and I regret to inform you that it is not in my power to give the convoy required.

We have now in the neighborhood of Alvarado, for the protection of our commerce in the Gulf of Mexico, two schooners, and the present scattered state of the squadron under my command prevents my sending any more to that quarter.

Very respectfully, your obedient servant,

(Signed) D. PORTER.

Mr. C. WEINBRENNER, *Thompson's Island.*

MISCELLANEOUS ORDERS TO, AND CORRESPONDENCE BETWEEN, DIFFERENT OFFICERS.

U. S. STEAM GALLIOT SEA GULL, *May* 4, 1824.

SIR: I have sent home the ship Decoy for stores, and the schooner Grayhound for repairs and to be coppered.

The enclosed list will inform you of our wants, which I will thank you to cause to be supplied with all possible dispatch, in order that the ship may return to the station, where the stores are much required. I will thank you, also, to cause the Grayhound to be furnished with two chain cables, and to dispatch her as soon as possible

Very respectfully, your obedient servant,

(Signed) D. PORTER.

Captain S. EVANS, *New York.*

U. S. SHIP JOHN ADAMS, *Thompson's Island, January* 28, 1825.

SIR: Having received orders from the Hon. Secretary of Navy to repair to Washington, and on my leaving the station to deliver the command to you, with all such papers, instructions, and information as may be useful to enable you in the most effectual manner to accomplish all the objects for which the vessels under my command were placed here, I have now the honor to send you the general order book of the station, which details the general duties of officers.

Those orders of a more particular character are now in the hands of the clerks, and copies will be furnished as soon as they can be made out, with such other information as may be useful to you.

During my continuance here, I shall be happy to inform you, from time to time, on all subjects connected with the duties to be performed, and of those which are now in progress.

I have the honor to be, very respectfully, your obedient,

D. PORTER.

Captain L. WARRINGTON, *U. S. Navy.*

U. S. Ship John Adams, *Thompson's Island, January* 29, 1825.

Sir: The only orders from the Navy Department which remain unexecuted are those, copies of which I now enclose you. You will find in possession of the commanding officer of the island orders and instructions on every point of duty important to be informed of. It therefore only remains for me to give a brief sketch of the disposition of the squadron under my command at this time, to wit:

Captain Dallas, at Thompson's Island, corvette John Adams, bearing my pendant, and destined for the United States; sloop-of-war Hornet, Kennedy, ordered to cruise on the south side of Cuba, for three months from the 22d December, 1824, between Cape Cruz and Cape Antonio; brig Spark, Newton, at New York, repairing; schooner Shark, Gallagher, under orders to proceed to St. Thomas, and to return to this place; schooner Grampus, Sloat, and schooner Beagle, Platt, ordered to cruise about St. Thomas, Porto Rico, and occasionally to run over to the main; the Beagle, ordered to the United States; schooner Porpoise, Skinner, ordered to the Gulf of Mexico, and after cruising six weeks there, to proceed to Havana, and thence to the United States, should she have on board $100,000 to be landed there, otherwise she is to repair to this place; her orders are dated ———; Sea Gull, steam galliot, M'Keever; schooner Terrier, Payne; schooner Ferret, Bell; barge Musquito, at Matanzas, for the protection of our commerce in that neighborhood, and in the old Straits of Bahama; schooner Weasel, Boarman, on her way to the United States, specie, considerably out of repair, and will probably be sold; schooner Fox, Cook, expected daily with a party for the survey of Pensacola and Tampa Bay; barges Diabolita and Gallinipper, on a cruise among the Colorados, expected in a few days; store ship Decoy, Mix, expected daily from New York with stores; three barges under the shed, neither of them sufficiently strong to cross the gulf.

Should any information suggest itself to me as necessary for you, or should you think of anything necessary for me to inform you of, it will afford me pleasure to furnish it.

With great respect, your obedient,

(Signed) D. PORTER.

Captain L. Warrington.

[Extract from letter.]

Baltimore, *December* 21, 1822.

Steamboat and small vessels will each carry six weeks' provisions and stores, and that the store ship will carry a supply for six months, which quantities you will please to provide.

(Signed) D. PORTER.

Directed to F. A. Thornton, Esq., *Purser.*

Washington, *July* 19, 1824.

My Dear Sir: On calling at the Navy Office to-day, I received the enclosed copy of a petition from Matanzas; by this time the Terrier must have completed her service on the coast of Florida, and is present in the absence of the Ferret, to afford the protection asked for; but in the event of its being otherwise, the Wild Cat will arrive in good season.

Lieutenant Zantzinger arrived to-day. He is desirous of relinquishing command; I will indulge him with leave of absence, and direct Lieutenant Boarman to supersede him and proceed to sea.

I learn from Lieutenant Zantzinger that the Ferret had gone to New Providence, and of course may be expected home.

The New York papers report the arrival of the Grampus, but give no particular details of her cruise since she left us; a letter received by the Secretary from Lieutenant Sloat refers to you for particulars.

Lieutenant Newton states to the Department that the Spark requires coppering, and that the gun slides ought to be surveyed; as the Secretary appears to be particularly anxious to keep the vessels at sea, I should hope that the contemplated repairs are not of such magnitude but that they may be deferred until the fall, and, as she is in quarantine, an additional delay will attend effecting her outfits. If her condition will authorize it, would it not be well to order her to provision and proceed from quarantine on a shorter cruise than may originally have been contemplated by you?

With respect, I am your obedient servant,

W. B. FINCH.

Commodore D. Porter, *commanding, &c., &c.*

Washington, *July* 20, 1824.

My Dear Sir: I transmit to you advices from the island, received to-day by Lieutenant Oellers, who left the Ferret off Indian Head. She will get up to the yard, I expect, in the course of the afternoon, and I will put in train any repairs she may want.

I am pleased with the general tenor of the reports, and have apprised the Secretary of it; and, for his more ready information, will condense the subject into one view.

A letter has been received to-day from Lieutenant Gallagher, advising the Secretary that the Shark is moved to the North river, and, of course, ready for sea. On reference to Mr. Barron, I learn that no sailing orders appear to have been prepared for her.

The Decoy is reported ready, waiting only for a surgeon. Doctor Ticknor has been ordered, and there is no doubt that he has by this time joined the ship. In the event of his not having done so, I shall order Doctor Morgan, who you will see has reported for duty.

In anticipation that you will give sailing orders to the Spark, Shark and Grampus, I shall write by this day's mail to their respective commanders, so that they may be ready the more promptly to obey them; or, if it please you, I will renew the orders under which they have heretofore been acting. I make this suggestion, as it is possible you may have special views for one or all of them.

Since writing the preceding paragraph, I have received Lieut. Sloat's report, now transmitted. The three bodies found about the Tortugas are those of three marines who deserted from the island.

A duplicate of Lieut. Gallagher's report of the Shark, is transmitted.

I have been constrained to trouble you with bulky communications, as the subjects and views of the writers are various, and such as I cannot in all respects act upon. If your health will not admit of giving replies in detail, a mere memorandum from you will enable me to do it. During your absence you will necessarily be more at ease, having all transactions connected with your command exhibited to your own inspection, in the language of those having in possession, and acting under orders immediately emanating from yourself.

With respect, I am your obedient servant, W. B. FINCH.

Commodore D. PORTER, *commanding, &c., &c.*

P. S.—The report from McIntosh, of the piracy and murder off Escondido, is really alarming. As some doubt may exist in reference to it, I have not thought it necessary to state it to the Secretary.

WASHINGTON, *July* 20, 1824.

SIR: I beg leave, for your information, to state that by the arrival at this place yesterday of the schooner Ferret, from Thompson's Island, via Nassau, N. P., advices are received to the 2d instant, which describe the health of that place to be unusually good: the sick report accompanies this. All the improvements directed by the commander-in-chief, as regards buildings for public purposes and individual comfort, are progressing in the order contemplated, and their completion to the extent intended may very early be realized. Plants of various kinds have been introduced from Cuba, and are in a thriving condition. The canals have been deepened so as to admit the sea water into the lagoons, near the seat of population: wild grass in that neighborhood has been destroyed, and the beach cleansed of the drift seaweed which lodges along it subject to decomposition; so that all due care seems to be taken to guard against the recurrence of the malady, similar to that which visited it last year. The season has been dry, the winds refreshing and variable, and the range of the thermometer from 95 to 98 degrees.

Acting Lieut. Farragut, commanding the Ferret, reports that while at Nassau, about the 10th instant, one of his crew, of the name of James Fredenburg, stated himself to be a deserter from H. B. Majesty's ship Pandorn; and that, in consequence, he gave him over to Captain Du Maigue, commanding H. B. Majesty's ship Kangaroo. The grounds on which Lieut. Farragut acted are, that it was repugnant to our regulations to have a foreigner in our service, and as a requital for a similar act of courtesy on the part of Capt. Du Maigue, who had not long before returned to the Wild Cat, Lieut. Legare, a deserter from one of the West India squadron. As Lieut. Farragut has been governed in this transaction by a regard to reciprocity, and not constrained thereto by any act of the British officer, I indulge the expectation that you will approve of his proceedings.

Lieut. Commandant McIntosh, under date of the 2d instant, gives a detailed report of his cruise in the Terrier, along the coast of East Florida, from Cape Sable to Carlos harbor, in search of a reported smuggling or piratical establishment, not known to us before precisely; but which he has discovered to be situated on a key called Punta Rosa, bearing N. by W. $\frac{1}{2}$ W. from the S. E. end of Sanybe Island. The number of inhabitants, Spaniards, are not ascertained with precision, but cannot be many, as there are but five thatched houses on the key, which is under the culture of corn, pompions and melons. They are occupied in fishing principally, and have licenses from Cuba to trade therewith. They rely upon the protection of our troops at Tampa Bay, regard themselves as belonging to the territory, and feel secure in their avocation. Lest, however, they might become lawless, Lieut. McIntosh removed to Thompson's Island two small carriage guns, which were alleged to have been kept to intimidate the Indians, who had committed some outrages on them. The place is now so particularly identified that occasional visits from the revenue cutter will effectually guard against the illicit introduction of goods, &c., into Florida.

Lieut. Sloat, commanding the Grampus, reports, under date of the 17th instant, from New York, that between the dates of the 4th and 27th he had visited the ports of Campeachy, Alvarado, and Tampico, in accordance with orders; that rumors prevailed of a piratical vessel being near Campeachy, for which he made diligent search fruitlessly. The schooner Jackal was at Tampico, about the 20th, and the John Adams near Vera Cruz on the 21st; so that you will perceive all the protection is afforded in the Bay of Mexico contemplated in your letter of the 20th instant.

Lieut. McIntosh, who superseded Lieut. Oellers in command at Thompson's Island, writes, under date of the 4th of July, that an American brig was stated to have been captured by a piratical boat near Matanzas, and carried into port Escondido; that he had an accurate description of the boat, and had dispatched a barge, together with the Terrier, to effect her rescue. I am encouraged to hope that his efforts may meet with success.

In addition to the protection already afforded to the commerce of Matanzas, you may calculate on the services of the Wild Cat, which sailed on Saturday last; so that this demand on the Department is answered.

The force at present in the Bay of Mexico, it is hoped, will succeed in taking or driving away the marauders stated by the paper to infest it. The almost simultaneous return of several vessels of the West India squadron to the United States it is desirable to guard against; and their cruises have been arranged with the view to that object, and the keeping of a sufficient force at all times about Cuba, and in the Bay of Mexico.

On the 15th of July, the schooner Fox had sailed from Tampico for New Orleans, so that at every practicable point some of our vessels are seen.

I cannot but congratulate you on the general good health enjoyed by the respective crews; some symptoms of fever have manifested themselves, and some deaths have occurred; this must be expected.

Exemption from disease cannot be calculated upon, though I am convinced, by reports from the respective officers, that every regard is paid to health, cleanliness and comfort.

With respect, I have the honor to be

(Signed) W. B. FINCH, *Captain of the Squadron.*

DEAR SIR: Captain Finch desired me to enclose to you the above copy of a letter which was handed in to the Secretary of the Navy this morning. It was Captain Finch's intention to have placed it within the other enclosures which were directed and sent to you this day, but the want of time prevented him from doing so.

I had the pleasure of seeing Mrs. P. to-day, who informed me that herself and the other members of your family were all well.

With the utmost respect, I am, sir, your obedient servant,

T. BARRON.

Commodore D. PORTER.

WASHINGTON, *August* 9, 1824.

SIR: I have the honor to report the present state of the vessels of your squadron, now in port, to be as follows:

The John Adams, at Philadelphia, requires that her rudder should be unshipped for examination about the pintles and gudgeons, and may need other overhauling. The period of service of fifty of her crew has expired, who have applied for their discharge.

The Grampus, at New York, is in readiness for sea.

The Spark, in quarantine at New York, will want repairs and officers.

The Beagle, also in quarantine at New York, will want a commander and some overhauling.

The Sea Gull is ready for service.

The Ferret, ready for service, requires a commander and some men, the latter to be furnished from the Jackal.

The Jackal, at Washington, requires considerable repairs and outfits; the Department has decided to sell her.

Orders have been issued by the Department to Lieutenants Mix and Platt to report for service, and also to several midshipmen, to supply vacancies.

The Hornet, Decoy, Shark, Wild Cat and Weasel, have recently sailed on their respective cruises.

Lieutenants Dale and Bell are applicants for commands.

With respect, I have the honor to be your obedient servant,

W. B. FINCH, *Captain of Squadron.*

Commodore D. PORTER, *Commander-in-Chief, etc., etc.*

WASHINGTON, *September* 16, 1824.

MY DEAR SIR: By letters received from New York, within a day or two, I find that nothing is yet doing with the Spark and Beagle, as they are not expected to be released from quarantine and admitted to the Navy yard for some time. Lieutenant Platt has before this assumed command of the latter vessel. I have addressed a written request to the Department, that the necessary instructions may be given to the commandant of the yard for their re-equipment as soon as the present restrictions are rescinded.

Orders were yesterday issued for the shipping of a crew for the Constellation, and I suggested to Commodore Rodgers and Mr. Hay the propriety of your being officially informed that she is intended for your command. Neither of them, however, can do it, though the commodore says such is the fact, and that I might so assure you; however, on this assurance, I am aware that you will feel a delicacy in expressing to the officer commanding at New York any wishes as to the style and character of her equipment. In the course of a week or ten days the Secretary will be here, when I suppose you will by him be advised of the appointment of the Constellation as the flag of your squadron. As the crew will be rapidly enlisted, probably it would be well that Mr. Thornton should be early ordered, that he may have the more time to arrange his books, etc., and be present at New York as the recruits may arrive. I have already received four applications for acting lieutenants to join the frigate.

McKeever's vessel is quite ready, with the exception of a medical officer. Hay says that I shall have one for her. McKeever some time ago expressed to me a sense of favor by being ordered to the command of the Gull, but at the same time signified that it would be preferable to him to be in some situation nearer your person; for instance, flag lieutenant, or any other designation you might give to him. He is an intelligent, efficient, and genteel officer, and I think you might find him, in a variety of ways, useful to you, if immediately under you eye and within reach.

Accounts from Norfolk state that Captain Sinclair's life is despaired of, in consequence of another paralytic stroke, and poor Farragut's wife in a critical state from a violent bilious attack.

I shall wish to leave the city for some days about the 22d inst. There is but little business claiming my attention, and you may arrive by that time.

Commodore Rodgers seems still disposed to get rid of the Jackal. I explained the cause of her being yet at this yard.

Your friends here are quite anxious about your health. I am daily asked if you get better, and am mortified in having to say that I have not heard from you since you represented your case as a source of considerable uneasiness to yourself.

The city is excessively dull, but very healthy. I hope that your family are generally well: please offer my respects.

With great regard, your obliged servant,

W. B. FINCH.

P. S.—I should like to relieve Midshipmen Smith and Browning of the Sea Gull, and attach them to the Adams, for greater improvement, their places to be supplied by two strangers, who have reported; but Dallas says he does not want more than he already has. I suppose Rapalje will go out with him as acting surgeon. I wish, also, to detach young Brent, and, with your permission, to put him in the frigate. The only objection to him is, a want of self-confidence; as he grows older, that will follow. I'll however write to Dallas.

U. S. Brig Porpoise, *off Havana, December* 7, 1823.

Sir: You are hereby directed to sail from Havana on Sunday morning next, the 8th inst., with such vessels as may require your convoy, and afford them protection as far as the Double Headed Shot Keys; you will then proceed to New York with the specie you may have on board belonging to American merchants, and report your arrival there to the Hon. Secretary of the Navy.

I am, sir, respectfully, your obedient servant,

JAMES RAMAGE.

Lieutenant Commandant John P. Zantzinger, *U. S. Schooner Weasel.*

Allenton, *Thompson's Island, February* 20, 1824.

Sir: You will proceed with the United States schooner Fox under your command to cruise from the Colorados to Havana, and to such other places on the north side of Cuba as may be deemed necessary, from the information you may receive, to afford the best protection to commerce and suppress piracy.

You will be governed by the "general instructions" from Commodore Porter; and when supplies of any kind are required, you will return here for them.

Respectfully, your obedient servant,

J. WILKINSON.

Lieutenant Commandant John T. Ritchie, *U. S. Schooner Fox.*

U. S. Brig Spark, *Sacrificios, April* 30, 1824.

Sir: You will proceed, without delay, with the United States schooner Weasel, to Tampico, and there give protection to our commerce. Should there be any specie destined for the United States or the Havana, the property of American citizens, you will receive on board such sums as may be presented. The premium for specie to Havana, you will take as your guide the British rule, which does not exceed one and half per cent.; treasures for the United States command two per cent. As soon as you have received on board such sums as may be offered, you will as speedily as possible rejoin me at this place.

I am, with great respect and esteem, yours, &c.,

JOHN T. NEWTON.

Captain John P. Zantzinger, *U. S. Navy.*

U. S. Barge Gnat, *Matanzas, September* 4, 1823.

Sir: I have the honor to inform you that, in obedience to your orders of the 19th July, I left the Grampus, in company with the cutter under Mr. Sanderson. In the prosecution of those orders, I have examined the different keys, bays, inlets, rivers, and harbors of Cuba, both inside and outside, the main keys, as far to windward as Guanaha, and with regret am compelled to state that I have been unsuccessful in the capture of any pirates. On the 6th of August I was joined by the Midge, Lieutenant Platt, at Sagua la Grande, and the next day was compelled to leave that officer and three seamen, with the cutter, at Cayo Christo, in consequence of sickness, and to transfer Mr. Sanderson to the Midge. On the 16th we got through Canal Canoe, having been six days beating up from St. Juan de los Remedios, destitute of provisions, and without a pilot. On getting into Guanaha Bay, I discovered a few small huts on Cayo Romano, and beat up as near to them as the channel would admit of, and came to. I directed Midshipman Hunter to take an interpreter with him, and proceed to the houses in quest of provisions and a pilot. On landing, he was met by two men, whom he addressed, telling them his business, and that he was an American. Thinking that they were fishermen, and that they were afraid of him in consequence of his being armed, he laid his arms on the beach, and directed the interpreter to do so also. Notwithstanding this, they continued to retreat towards the houses, and Mr. Hunter to follow them, until, on arriving near the houses, a party of ten or twelve men rushed upon them, and attempted to seize them. Mr. Hunter was captured, but the interpreter succeeded in effecting his escape to the boats amid a volley of musketry, with no other injury than a slight wound. Immediately on receiving this intelligence, I landed with a portion of the crews of both boats, and proceeded to the houses; but the pirates had fled, with the exception of three or four, at whom some of our men got a few shots, but with no other effect than compelling one of them to drop his load, consisting of liquors, preserved fruits, &c. It being late in the evening when we arrived at the huts, and our men excessively fatigued from their march, I determined to remain there that night, and proceed in pursuit of them the next morning. About midnight, Mr. Hunter returned. He informed me that the houses we then occupied were a part of an extensive slaughtering establishment. That immediately on his capture, the pirates took all the horses belonging to it, on which they mounted with their provisions, &c., and proceeded about twelve miles in the interior, leaving three or four of their gang well mounted at the huts to watch our motions. That he had been released on condition of his interceding with me to spare their boats; and that he thought he could pilot us to the place where he

left them. At 2 A. M. on the 17th I proceeded with Mr. H. as a guide, and about twenty officers and men in pursuit of them. After a painful march, we arrived at the spot where they had encamped the night previous; but no traces of them remained. From the open nature of the country, and the advantage they possessed of being mounted, I was convinced that a further pursuit was hopeless, and therefore determined to abandon that mode, and attempt their capture by stratagem. I accordingly seized all the boats I could find on the island, and invested them in such a manner that their escape was impossible, unless by traveling a distance of eighty miles to the north end of the island. I attempted every stratagem that I could devise for their capture or destruction, and in one case with such success, that but for a flash of lightning which discovered to them some of our men, their capture was inevitable. We remained on the island six days, when our provisions being entirely exhausted, and many of our men sick from the constant exposure and fatigue they had undergone, I was compelled to leave them. I destroyed their boats, three in number, one large and two small ones, and a quantity of arms and ammunition which they had left behind them in the hurry of their retreat. I was compelled to do this from the impossibility of making any progress in our barges with the boats in tow.

On leaving there, I proceeded to Guanaha, where I obtained a supply of provisions. I learned that the villains we had left were part of a gang that was forming under the notorious pirate Antonio El Majorcan; that they were twenty in number, and had collected in the vicinity of that place for the purpose of seizing a Spanish felucca then in port, and nearly ready for sea, which they intended to fit out as a cruiser. I remained in Guanaha three days, in consequence of a heavy S. E. gale which prevented my proceeding any further to windward, and which, added to a scarcity of provisions, finally compelled me to bear up for this port. In running down the coast, I examined Cayos Verde and Confitos, and all the intermediate ports, &c., between them and this place. By discharging the ballast, water, provisions, &c., from our boats, we were enabled to ascend to the very source of the Rio Palmas. I am satisfied from the shoalness of the water over the bar (varying from six to eighteen inches in depth), the many obstructions in the river, and the marshy nature of its banks, that the prevalent opinion of its being a piratical depot is not founded on fact. On the 3d instant I arrived here, without having met with any disaster, and the officers and crews of all the boats in good health. During the whole of this long and arduous cruise, I am happy to state that I received every support from the officers and men attached to the expedition. Their fortitude, and even cheerfulness under the numerous privations and sufferings incident to a cruise in open boats, at this season of the year, was almost without a parallel, and justly entitles them to the gratitude of their country.

I have the honor to be, sir, very respectfully, your obedient servant,

THOMAS W. FREELONS, *Lieut. U. S. Navy.*

Lieut. Commandant FRANCIS H. GREGORY, *U. S. Schooner Grampus, Matanzas.*

MINUTES OF THE PROCEEDINGS OF A GENERAL COURT-MARTIAL IN THE CASE OF CAPTAIN PORTER.

Minutes of a general court-martial, convened at the Navy yard, in the city of Washington, in the District of Columbia, on Thursday, the seventh day of July, in the year of our Lord one thousand eight hundred and twenty-five, by virtue of a precept from the honorable the Secretary of the Navy, dated the twenty-third day of June, in the same year, hereunto annexed, and marked A.

Present: Captain James Barron, president; Captains Thomas Tingey, James Biddle, Charles G. Ridgeley, Robert T. Spence, John Downes, John D. Henley, Jesse D. Elliott, James Renshaw, Thomas Brown, Chas. C. B. Thompson, Alex. S. Wadsworth, and George W. Rogers, members, and Richard S. Coxe, judge advocate.

Captain David Porter appeared, to answer the charges that had been exhibited against him. He was asked by the judge advocate whether he had any objection to make to any of the members of the court.

The accused, by leave of the court, presented the paper marked B, which he read, and which is annexed to the record; whereupon the court was cleared, and after mature consideration, one of the members proposed the following question:

Shall the question whether the judge advocate be subject to challenge, be referred to the Attorney General, through the Secretary of the Navy? which was determined in the negative. The question was then, on motion, proposed to the court:

Is the judge advocate liable to be challenged by the accused?

One of the members of the court said that he did not feel himself competent to decide the question without legal advice. At his request the judge advocate was called upon by the court, for his opinion, which he gave, as follows:

Commodore Porter having taken an exception to my acting as judge advocate of the court, and the court having intimated a wish that I should give my opinion upon the question whether a challenge or exception may be taken by the accused to the judge advocate, I am of opinion that the appointment of the judge advocate rests with the government; and that he holds his office by the same authority which appoints the court; and that neither has the accused a right to make any exception before the court, nor has the court a right to decide upon any exception to the judge advocate. That no precedent of such challenge having ever been made, has been, or it is believed can be produced.

After reading this opinion, the question was put and decided in the negative; whereupon the court was opened, and the foregoing proceedings announced.

The oath prescribed by the law in such case was then administered by the judge advocate to the president and members of the court. And the oath prescribed to be taken by the judge advocate was administered to him by the president.

The charges and specifications were read by the judge advocate, annexed to the record, and marked C, and Captain Porter was asked whether he was guilty or not guilty. Captain Porter requested permission to postpone, till to-morrow morning, pleading to the same; and at the same time requested permission of the court to have counsel present in court to aid him—to have a clerk, to take minutes of the evidence, and also that he might be furnished with a copy of the charges and specifications, as read by the judge advocate. To all these propositions the court acceded; it being understood that the counsel of

Captain Porter will be subject to the same restrictions as are usually adopted in courts-martial. Captain Porter mentioned Walter Jones, Esq., as the counsel whose presence he desired.

The court adjourned till ten o'clock to-morrow morning.

FRIDAY, *July* 8.

The court met pursuant to the adjournment of yesterday. Present: all the members of the court, and the judge advocate.

A letter was received from the Secretary of the Navy, which was read, annexed to the record, and marked D, whereupon the court adjourned, to meet at the Marine barracks, in the city of Washington.

The court being opened pursuant to the adjournment, present as before, and Captain Porter. The minutes of the proceedings of yesterday were read.

Captain Porter was then called upon to plead to the charges. He requested, by way of plea, that he might be permitted to read by his counsel, and submit to the court, a paper containing remarks upon the charges. This being done, the paper, with the letter addressed to the accused by the Secretary of the Navy, therein referred to, covering a copy of the charges, and the copy of the charges furnished to him, were annexed to the record, and marked E. F. and G.

The judge advocate stated to the court that, as the exception therein pointed out by Commodore Porter had been waived by the accused, he should proceed with the case upon the charges, as read before the court yesterday; that the variation between the two papers which had been pointed out, was, that a letter referred to in the one, as dated the *thirteenth* day of April, was, in the other, by a mistake of the copying clerk, dated the *thirtieth*.

Alexander J. Dallas, a master commandant in the navy of the United States, being duly sworn, according to law, (and the other witnesses having been directed to withdraw,) deposes and says:

I commanded the John Adams, bearing the pendant of Commodore Porter. We arrived some time in November last at St. Thomas, in the island of that name. In the afternoon of the same day, Lieutenant Platt, in company with Mr. Cabot, an American gentleman, residing at St. Thomas, and as I understood officiating as commercial agent for the United States, came on board the vessel. They mentioned to Commodore Porter that Lieutenant Platt, on a visit to Foxardo, had been very harshly treated by the authorities there. The commodore, on receiving this information, determined to visit the place, and obtain an apology from those who had ill-treated Lieutenant Platt.

I was directed the following day to get under way with the John Adams, the Grampus and the Beagle being in company, and proceed to as near Foxardo as we could get. The wind proving light, and the pilot being of opinion that the draft of water of the John Adams was too great to permit an approach near the beach, the commodore directed me to anchor under one of the Passage islands; to get out all my boats, and to prepare an hundred and odd men for the expedition. These preparations taking so much time as to make it late in the afternoon, I was directed to be ready by one or two in the morning, to go on board the Grampus, which vessel would take the boats in tow. I did so, and we got under way in the schooner, and arrived the next morning about eight or nine o'clock in the harbor of Foxardo.

On our arrival there, we were directed to prepare the boats for landing. Immediately after landing, a battery was observed on the hill, at which there was a number of men, who, to all appearance, intended firing at us. The commodore directed one of the boats to proceed and dislodge the men at the battery, and to spike the guns. We then landed, and, after forming the men on the beach, Lieutenant Crabb, with a portion of the marines, was directed to advance on the road leading to the town of Foxardo, and to take a position there. Lieutenant Stribling was dispatched with a flag of truce and a letter from Commodore Porter to the alcalde of the town. Shortly after Mr. Stribling left us, we marched towards the town, leaving a guard of marines, under Lieutenant Barton, to take care of the boats. We marched to within from twenty to forty yards of where the marines under Lieutenant Crabbe were, where we halted to wait the return of Lieutenant Stribling. During our march, we fell in with a battery of two guns, which we also spiked.

After waiting some time in this position, Lieutenant Stribling was discovered returning from the town with two officers, who were said to be the alcalde and the captain of the port. A conversation, through the medium of an interpreter, took place between Commodore Porter and those persons, which resulted in an apology to Lieutenant Platt. The commodore asking the officers whether they were all satisfied, to which they assented. The commodore was then invited by the alcalde to visit him in the town. The commodore, in company with myself, and several other officers, and the marines under Lieutenant Crabbe, went so far as to lead us by the force collected; after which, the commodore returned, and gave orders for us all to return to the beach. At the beach, the men were refreshed with some grog, got into the boats, went on board the Grampus, and returned to the John Adams.

Question. At what hour did you leave the John Adams, to go to Foxardo?

Answer. Between one and two in the morning.

Ques. At what time was it expected you would arrive at your destination?

Ans. We calculated upon arriving very early in the morning.

Ques. Did any person from St. Thomas accompany you, besides the pilot?

Ans. I am under the impression that there was a young gentlemen, whose name I do not recollect.

Ques. Are you acquainted with the object for taking him?

Ans. No; I was not.

Ques. (By Capt. Rodgers.) Was not the visit of Commodore Porter to Foxardo, for the purpose of resenting an insult to the American flag, in the person of Lieut. Platt?

Ans It was the ostensible object.

Ques. (By the same.) Were not the arrangements of Commodore Porter to land in daylight?

Ans. It was his intention to land as early as possible, certainly by daylight; we calculated to arrive there by break of day.

Ques. (By the same.) Could you have made your arrangements to land at night?

Ans. We could have arranged to land at any time of the night.

Ques. (By the same.) In what positions did the schooners anchor in the harbor of Foxardo?

Ans. The Grampus anchored nearly opposite to the battery I have alluded to; the Beagle further up in the harbor.

Ques. Were the colors flying on board the schooners when they entered the harbor, and when they anchored?

Ans. I think they were.

Ques. Was the force dispatched to dislodge the Spaniards from the battery before or after the landing of Commodore Porter?

Ans. Before.

Ques. Had it returned before the landing?

Ans. No.

Ques. At what time did it join the main party, and where?

Ans. It joined us on the beach, and almost immediately on our landing.

Ques. How many men and officers landed?

Ans. I presume near two hundred.

Ques. How were they armed?

Ans. With muskets, bayonets, pistols, cutlasses and boarding-pikes.

Ques. How long after you landed was Lieut. Stribling dispatched to the town?

Ans. Almost immediately, or soon after our landing.

Ques. What amount of force had the Spaniards collected?

Ans. I cannot say what amount; but in passing them there appeared to be about sixty or seventy men with a field piece.

Ques. Did they appear to be regular troops or militia?

Ans. They had the appearance of militia; they were not in uniform.

Ques. Was there any complaint made to the authorities at Foxardo, or communication had with them by Commodore Porter on the subject of the insult offered to Lieutenant Platt, before you landed?

Ans. None that I knew of.

Ques. (By Capt. Rodgers.) Do you not think that the most effective way to obtain redress was by landing?

Ans. Yes.

Ques. (By Capt. Wadsworth.) At the time of your landing, was any inquiry made by the Spaniards as to what force it was?

Ans. None; I do not think there was an individual to be seen on the beach.

Ques. (By Capt. Ridgely.) Was there any act of hostility committed against any of the subjects of the King of Spain, previous to or after landing?

Ans. The boat that was sent to dislodge the men and spike the guns at the battery succeeded in the object; whether that was an act of hostility must be left to the court; if it was not, I know of none.

Ques. (By Capt. Tingey.) Was this act of courtesy by the authorities of Foxardo, by invitation into the town, after those transactions that you have related?

Ans. Yes.

Ques. (By the same.) Was any complaint or remonstrance made by the authorities at Foxardo to Commodore Porter, at any time during his stay on shore, against his proceedings there?

Ans. None that I know of.

Ques. (By Capt. Wadsworth.) Do you know the nature of the apology made by the alcalde and the captain of the port, which you say was satisfactory to Commodore Porter, and the officers accompanying him?

Ans. The apology was made to Lieutenant Platt for the injury done him; but I am not able to state the terms of it.

Ques. (By Capt. Brown.) What was the deportment of Commodore Porter towards the Spanish officers whom he met?

Ans. Gentlemanly and proper.

Ques. (By Capt. Henley.) Did Commodore Porter consult with you previous to his landing? If yea, state the amount of the consultation.

Ans. He did not consult me.

Ques. (By Capt. Ridgeley.) What was the conduct of the officers and men who landed, towards the subjects of the King of Spain whom they met?

Ans. We landed as I have stated, and marched up towards the town, committing no personal violence against any one; the conduct of the officers and men was correct.

Ques. (By Capt. Elliott.) From what you could perceive in Commodore Porter, previous to, at, and after his landing, with his force, at Foxardo, was he actuated by any other motive than to obtain an apology for the insult offered to one of the officers of his squadron?

Ans. It appeared to me the only motive.

Ques. (By Capt. Ridgeley.) Was not the place where you landed considered as one of the rendezvous of pirates.

Ans. It had been frequently said so; I knew nothing of it personally.

Ques. In the conversation between Commodore Porter and the authorities of Foxardo, was anything said on the subject of piracy or pirates, and was any demand made for pirates, or for property plundered by them?

Ans. None that I know of. I was not near enough, however, to hear the conversation between them; and it was not until the commodore asked the officers if they were satisfied with the apology that I approached near enough to hear them.

Cross-examined:

Questions by Commodore Porter to Capt. Dallas.

Ques. Were not our proper colors hoisted, both on the schooners and boats, when they came in sight of the harbor, and during the whole time of the approach and of the landing?

Ans. Yes.

Ques. Was not everything done openly and fairly, and in my own character, without any attempt to deceive?

Ans. Yes.

Ques. Did I not land in my uniform, though advised by some of my officers to take it off, lest it should make me too conspicuous?

Ans. You landed in your uniform; I do not recollect any advice.

Ques. Did you not, under all circumstances, consider it an effectual course on my part, to secure the officers from insult and interruption, whilst engaged in the pursuit of pirates in that quarter, by intimidating the inhabitants of those towns or districts, suspected of harboring and assisting the pirates?

Ans. Certainly, I think it was a course that would intimidate other places supposed to be a receptacle for pirates, and calculated to prevent them from suffering them to come there, and a means of obliging them to pay more respect unto our officers.

Ques. Were not the guns training on us at the time I ordered the party to land and spike them?

Ans. I think they were endeavoring to train them on us.

Ques. Did not Lieut. Stribling, on his return with the flag, inform me that the people or authorities of Foxardo had heard of my coming and were preparing resistance?

Ans. I heard of the circumstance, but do not recollect how or from whom I heard it.

Ques. Were not my orders to the party who landed, to spike the guns, without injury to the person or the property of any of the inhabitants; not to fire unless first fired upon, and generally to respect the persons and property of the inhabitants?

Ans. I consider those as the orders that were given.

Ques. Did any of the main body enter the town of Foxardo? and was not our whole force so disposed as to impress the people with a sense of our disposition, and our power to repel and punish aggression; at the same time that all actual violence was avoided?

Ans. The main body did not enter the town. To the latter clause of your question, I answer yes.

Ques. Was not the grog sent to the beach as a present from the town to the men?

Ans. I did not understand it in that way. The purser was directed to procure some, and when he offered to pay the person from whom he procured it, he was refused, and told it was intended as a present. The person from whom it was procured was one of those who accompanied the alcade and the flag.

Ques. After the negotiations and explanations were ended, did not the authorities and inhabitants appear well satisfied and acquiescent in my proceedings?

Ans. They accompanied us in considerable numbers down to the boats, and there was no other appearance than that of a good understanding between all parties.

Charles T. Platt, a lieutenant in the navy of the United States, being duly sworn according to law, deposes and says:

On the 24th October, between the hours of seven and eight in the morning, Mr. Bedford, a clerk in the house of Messrs. Cabot & Bailey, commercial agents at St. Thomas, with a letter from those gentlemen, came on board the Beagle, then under my command, lying in the harbor of St. Thomas, informing me that their store had been robbed the preceding night, of goods to not less than the amount of $5,000. The letter contained a request for me to go in search of the goods. I then went ashore, and inquired of the merchants in that place who had been previously robbed, in order to ascertain whether I would be justifiable in proceeding in search of these goods to Foxardo, at the east end of Porto Rico. On making the inquiry, I was perfectly satisfied as far as I could be, without knowing positively, that the goods were then on their way to Foxardo. I accordingly got under way as speedily as I could, taking on board with me a pilot, and a clerk of Messrs. Cabot & Bailey, with a description of the goods contained in the advertisement herewith presented to the court, annexed, and marked 1. On the evening of the 26th, about 6 o'clock, I anchored in the harbor of Foxardo, with my colors flying. I was anxious, if possible, to get on shore that night, but my pilot, who acted not merely in that capacity, but as my guide and interpreter on shore, through ignorance or otherwise, declined going, stating that he was not able to show me the way at that late hour. In the morning of the 27th, at an early hour, a boat came alongside, with some person in it, bearing the appearance of a soldier, who informed me that the captain of the port was anxious to see me on shore, presenting his compliments at the same time. I was at that time preparing to go on shore. I was somewhat fearful that the character of the vessel was not known on shore. I asked the man if the character of the vessel was known on shore. He answered that it was. Lest he might have been mistaken, I told him to inform his commanding officer that it was the United States schooner Beagle, and that I should be on shore as soon as possible. So soon afterwards as was practicable, in company with Lieutenant Ritchie, Mr. Bedford, and the pilot, I visited the shore. On my landing, I was told that I could not proceed to town. This, however, I received from a parcel of ragamuffins, who appeared to me more like highwaymen, than anything I could compare them to. I attempted after this to go again on board my vessel; I was prevented from doing so. This led me to inquire what was the meaning of this course of conduct; whether they were authorized? I was informed by a citizen standing there, that they had no authority to detain me. In evidence of which, horses were procured (without my asking) by the citizens there for myself and all who were with me, to ride up to the village. On my arrival at the village, I reported myself, having been advised so to do by some of the citizens, first to the captain of the port; made known to him my business, the object of my visit, and reason for my appearing in citizen's dress, and also a letter to a Mr. Campos, showing the character of myself and vessel. Mr. Campos was a man who, from his wealth, stood high as a person of respectability. The captain of the port appeared to be perfectly satisfied with the character of myself and my vessel, took down the names of the officers and the force of the vessel, then directed me to call on the alcalde. I did so, and pursued the same course with him as with the captain of the port. He also appeared perfectly satisfied, and approved very much of my having come on shore in citizen's dress; said it was a very prudent and necessary precaution. He also expressed a confidence in succeeding in securing the goods; said he had no doubt but he should be able to procure them before night. This conversation was private; there might have been others in the room, but none were I believe within hearing, but the interpreter and ourselves.

The court, not being able to complete the examination of Lieut. Platt, adjourned till to-morrow morning, at 10 o'clock.

SATURDAY, *July* 9.

The court met pursuant to adjournment of yesterday. Present: all the members of the court (excepting Captain Elliott), the judge advocate, and Captain Porter.

The president announced to the court that Captain Elliott was sick and confined to his bed, and wholly unable to attend the meeting of the court to-day. The accused stated that he had no objection to the court proceeding in the business before it, and that when Captain Elliott should be able to resume his

seat, the proceedings of the court during his absence should be read to him. Whereupon the court decided to proceed in the case.

The court resumed the examination of Lieutenant Platt:

The alcalde then informed me that the recovery of the goods might probably be attended with some expense. I stated to him that if it were necessary to offer a reward I was authorized to offer a reward of one thousand dollars, for which I considered the handbill yesterday presented to the court as a sufficient authority. I then proposed to the alcalde the propriety of my visiting the different stores, with the police and the clerk I had brought, for the purpose of examining and identifying the goods. The alcalde observed that, as I had very properly come on shore in citizen's dress to prevent any suspicion, it was advisable to let the matter rest entirely with him; that, were I to accompany him, though in citizen's dress, suspicion might be excited. I then left his office under the impression that the goods would be procured before night by the police of the place. A short time after I received a message from the alcalde, saying that he wished to see me at his office; I was then fully under the impression that he had obtained some information which would lead to the recovery of the goods. Under this impression I went over to the office, accompanied by Lieut. Ritchie and the pilot. On my arrival I inquired of the alcalde whether he had sent for me, and for what purpose. I was answered by the captain of the port, in the most insulting, most provoking, and most aggravating manner that it is possible to imagine, saying that he had sent for me himself, to demand of me my register, on the refusal of which he would confine me in prison. I told them that I thought I had already satisfied them of the character of the vessel; that I had no register to show them; that a man-of-war carried none; that my commission, my uniform, and my colors, were all that I had to show to establish my character; that I had already offered to exhibit these, which they considered unnecessary, being perfectly satisfied of my character without it. I then expressed my astonishment at the course of conduct they had pursued, so unexpected and so unprecedented; and, furthermore, that I conceived it to be a duty which I owed to my country, to myself, and to the officers under my command, to make a formal report of their conduct to Commodore Porter. Lest, however, they might deny having confined me, I left the office with the intention of returning on board my vessel, and leaving the port, not considering myself as a prisoner by their mere say-so. I had proceeded about five rods from the alcalde's house when I was pursued by the alcalde himself and two soldiers; the alcalde himself seized me by the collar. I was brought back and placed under charge of a sentry. After perhaps an hour's debate, among themselves, I inquired of their interpreter what they meant to do; he informed me that, as they were not satisfied with my character, my having shown no evidence thereof, they were determined to keep me confined until I should produce some such evidence, or they should hear from St. John's. I then requested permission to go on board with any officer they might choose to send, whom I pledged to satisfy of the character of myself and vessel. This, however, was denied me. I then requested that I might send Mr. Ritchie or the pilot on board; that they might keep me in bondage if they chose. All was denied me. There was no chance left. I then made another proposition, that I should send a note by any officer of theirs whom they pleased, and pledge myself that, if he did not return, they might then do with me as they thought proper. This was refused. After perhaps another hour, they permitted me to send Mr. Bedford on board for my commission, which, at the time, they said was all they would require. I however, directed him to bring my commission and uniform. So soon as he returned, I put on my uniform and presented my commission. After consulting again for perhaps half an hour, they pronounced my commission a forgery, and me and my officers a damned pack of pirates. I then, finding the probability of my being confined there sometime, proposed the propriety of going to some decent house, where they might place sentry over me. In answer to this, the King's house was recommended, as I understood. I being, at the time, fully under the impression that the King's house was the most genteel house in the place, invited Mr. Ritchie, and even the pilot, to accompany me, they being prisoners like myself. On my approaching near enough to discover that it was a mere guard-house, well calculated to produce the yellow fever or plague, I declined taking up my lodgings there unless they forced me to do it. After some few minutes they consented to let me return to the alcalde's office under charge of a sentry. Being fully aware of my unpleasant situation, I again, although repugnant to my feelings, did ask the interpreter what furthermore they required of me. After making the inquiry of the proper authorities, he answered that I had shown no other commission than one as lieutenant, and not one as lieutenant commandant. They were determined to keep me there until they could hear from St. John's, or until I produced something that was satisfactory. I asked permission to send Mr. Bedford again on board, which was granted. I directed him to bring all my papers on shore, that I might come across some paper which might be satisfactory, and which it would not be improper to show them. On the return of Mr. Bedford, I produced the orders from Commodore Porter to me, directing me so take command of the Beagle. They told me an appointment of that kind could not emanate from anything less than an admiral, and that they were thoroughly satisfied that I was a pirate. As for Commodore Porter, there was no such man in our navy, and that I could not hoax them in that way. They still continued me confined until a late hour in the afternoon; towards sundown, they, without any further application from me, and for what reason I know not, released me and allowed me to go aboard my vessel. We left the village, mortified, very properly, hissed at by the ruff-scuff of the place; went on board, got under way, and proceeded to St. Thomas.

On the 12th November, Commodore Porter arrived at St. Thomas, in the John Adams; as soon as he came to anchor, I visited the vessel, reported myself to him, and mentioned to him the circumstances which led to my visit to Foxardo, and the treatment I had met with. The commodore informed me it was necessary I should make out a written report. I stated to him it should have been prepared, had I expected him so soon, and that he should have it. The commodore said that, if circumstances justified my going in the manner in which I went, that he would visit Foxardo, and obtain redress for the insult offered to me and to the flag. I referred the commodore to Messrs. Cabot and Bailey, and to Mr. Furness—both houses being commercial agents at that place. I went on shore at the request of the commodore, to request Mr. Cabot to come on board, (Mr. Furness was then on board,) and to procure a pilot to carry us to Foxardo. Mr. Cabot returned on board with me. The next morning I got under way with the Beagle, having the pilot on board, stood out of the harbor of St. Thomas to join the John Adams, then under way, delivered my written report to the commodore, and was directed by him to proceed ahead with the pilot for Foxardo. The wind, however, proved light, and [illegible]mpelled to lay to, off and on, during the night. The next morning I was hailed from the [illegible]s, and [illegible]d to proceed ahead as

before. For reasons unknown to me, the commodore gave an order, and the vessels came to anchor about nine o'clock in the morning of the 13th, under the lee of Passage Island. At midnight of the 13th, the Grampus, Beagle, the barges and boats of the Adams, with as many officers and men as could conveniently be spared, got under way, and, about eight o'clock next morning, arrived in the harbor of Foxardo. The barges were manned and officered; one barge was sent to attack a fort on an eminence, mounting two guns. The rest of the men landed on the beach. The Grampus was anchored off the battery; the Beagle, passing by the battery, anchored so as to cover the landing of the men. I was directed by Commodore Porter, as he passed me, to follow him with as many men as I could conveniently carry in my boat. Lieut. Stribling, about the time of our landing, was dispatched to the town with a flag of truce, and a communication from Commodore Porter to the authorities of the place. About fifteen minutes after our landing, we were directed to fall into line, and march up. We got there in perhaps about fifteen or twenty minutes from the time we started from the beach. On the outskirts of the town, I mentioned to the commodore that there were two guns on a causeway, on the road to the village. He ordered some officers and men to spike them. After arriving at about forty or fifty rods from the village, we halted; a short time after, we discovered a white flag, which proved to be the flag of Lieut. Stribling, accompanied by the alcalde, the captain of the port, the interpreter, and a number of the citizens. When they met Commodore Porter, they professed their ignorance of the object of his visit. The commodore stated to them that they ought to have known the object of his visit from the tenor of his note; that he came there for the purpose of obtaining suitable redress, or an apology, for the insult that had been offered to the flag of the United States in my person, (pointing to me.) This seemed, at first, to create some considerable astonishment on their part, that they should be accused of having treated me in any way improper. The commodore then asked the alcalde, in a very positive manner, whether he had not imprisoned me. His answer was, that he had—after knowing my character, as an officer in the United States navy; but, that he was not to blame, for that he had been compelled to do it by others.

The commodore then t[illegible] him that, as he was the chief magistrate of the place, he had nothing to do with others, and that he should regard him as responsible for any acts of violence that might have been committed on me; that there was then no time for any altercation; that the time had expired, within five or seven minutes, which he had allowed them; that an apology was necessary—such a one as should be dictated by him; a refusal of which would compel him to resort to arms, which should terminate in the final destruction of the village. An apology was made. It was, that they had imprisoned me wrongfully; that they were sorry for it, and that, in future, they would respect United States naval officers, as their character deserved. After that, we were pressingly invited to come into the village, and strongly urged to take some refreshments. Commodore Porter did advance—passed by a six-pounder, which was primed, and a man standing by with a lighted match, and a number of armed men that had been collected. He then ordered us to return to the beach, without entering into the heart of the village. The commodore informed me, at the beach, that it was at first his intention to have accepted the invitation, and entered the village with the men, but, apprehensive that some difficulties might arise amongst the sailors and men, he thought it better to return, and have the refreshments brought down to the beach. The refreshments were brought down, we partook of them, proceeded to sea, and rejoined the John Adams.

Question. Was it the object of your visit to Foxardo, to recover the property that had been stolen at St. Thomas, or to obtain the persons who had perpetrated the robbery, or both?

Answer. The object of my visit was to obtain the property, and the pirates, as they were supposed to be, through the police, and through them only.

Ques. Was the United States flag flying on board the Beagle, during the time that she lay in the harbor of Foxardo?

Ans. The flag was flying when we arrived, and was hoisted again at nine o'clock, on the following morning, as I presume, such being my orders, and such the regulations of the service.

Ques. Was there any flag, ensign, or other distinction, displayed at the time of your landing?

Ans. None.

Ques. When you landed, do you suppose that the Beagle was known on shore to be an American man-of-war?

Ans. I feel perfectly satisfied that her character was known.

Ques. Were there many persons on the shore who saw you land from her?

Ans. Probably fifteen or twenty.

Ques. What was your object in landing without your uniform?

Ans. To prevent any suspicion on the part of the boats in the harbor of which there was a great number.

Ques. Could not the flag of the vessel be seen as well from those boats as from the village of Foxardo, and the character of the Beagle as well ascertained?

Ans. Yes, but all merchant vessels carry the same flag that we did.

Ques. Had you, when you landed, any document of any description to verify your claim to the character of an American officer? If so, what was it?

Ans. We carried a letter from one of the most respectable mercantile houses in St. Thomas, to Mr. John Campos, a merchant in Foxardo.

Ques. Was that an open or sealed letter?

Ans. It was a sealed letter, but had been read to me before it was sealed. It was given me for the purpose of enabling me to go on shore in disguise.

Ques. Did you see Mr. Campos while on shore?

Ans. I met him at the entrance of the village, before seeing the captain of the port and the alcalde?

Ques. When did you hand him the letter?

Ans. The moment I arrived at the village.

Ques. Did he accompany you to the house of the captain of the port and the alcalde?

Ans. He was at the captains's of the port, I think, and certainly at the alcalde's, and read the letter to them both in my presence.

Ques. Do you know whether Mr. Campos had, or had not, at that time, in his possession, the goods of which you were in search?

Ans. I do not know personally; I can only judge from the evidence that I brought home, and am fully under the impression that he was, at that time, in possession of the goods.

Ques. When you were interrupted on the beach on your landing, do you suppose those who did it knew you to be an American officer?

Ans. Yes.

Ques. From what circumstance?

Ans. Because they had sent a boat alongside of me, and said they knew my character, and I had sent word to them before landing of my character.

Ques. Did you inform the citizens, who interfered in your behalf on the beach, who you were, and what was the object of your visit?

Ans. I mentioned that I was an American officer in command of the Beagle, and that I wished to report myself to the proper authorities.

Ques. Did you in person proceed to any of the stores in town, to inquire after the goods you were in quest of?

Ans. I was in no store in the place, except Mr. Campos' store, when I went to see him. I was in one other, the store of the gentleman who had lent me his horse; I was asked into his house, and passed into the store, but no further, and, with Mr. Bedford, privately examined some of the goods, to see if they corresponded with what had been taken. This was not done with the view of interfering with the authorities.

Ques. Did you see Mr. Campos after you first left the office of the alcalde?

Ans. Yes; I found him there when I went to the alcalde's, after being sent for; he was engaged in conversation with the rest, and appeared very much confused.

Ques. Did you appeal to him to verify your character, and what was his reply?

Ans. I appealed to him; he replied that he had stated my character; urged Mr. Bedford and myself to go to another place to look for the goods, which I declined; he offered us horses to go, and I believe that if I had been disposed to go, they would have released us.

Ques. During the period that elapsed between your first visit to Foxardo, and your seeing Commodore Porter, at St. Thomas, had you made any report of the affair to him or to the government?

Ans. None, whatever. I expected him at St. Thomas, (where I was directed to await his arrival,) though not so soon as he actually came.

Ques. Did you during that period, consider that the flag of the United States had received an insult which required atonement?

Ans. Yes, I did.

Ques. Did Mr. Bedford, or any other person, accompany you to Foxardo, on the second visit? and if so, for what purpose?

Ans. Mr. Bedford went down on the second visit, but did not not land. The object was that, if any discovery should be made, he might be there to identify the goods.

Ques. In the conversations between Commodore Porter and the authorities, was anything said on the subject of those goods, and what?

Ans. I do not recollect that anything was said on the subject.

Ques. What is the distance betwen the beach where you landed, and the village of Foxardo?

Ans. About a mile and a half.

Ques. Had any complaint been made, or explanation asked, either by yourself or Commodore Porter, for the insult you had received, either of the authorities at Foxardo, or of the island, before your second visit?

Ans. None by myself, and none that I know of by the Commodore.

Ques. (By Captain Rodgers.) What is the character of the inhabitants of Foxardo? Is it considered a place of refuge for pirates, and are not pirates openly protected there?

Ans. Yes, I have heard so; I have understood that hundreds of thousands of dollars worth of property had been stolen at St. Thomas, and remnants, or parts of the goods, discovered there and in the neighborhood.

Ques. (By Captain Thompson.) Will you please to state to the court the particular instruction under which you thought yourself authorized to land at Foxardo, in order to recover the property in question?

Ans. The instructions under which I acted were the general instructions from Commodore Porter, of which I was furnished with a copy, as well as the other vessels in the squadron, annexed and marked H.

Ques. (By same.) Do you know the house of Cabot, Bailey & Co. to be accredited agents of the Government of the United States?

Ans. I know them to be respected as such by the authorities at St. Thomas, and that they act as magistrates; I mean that Mr. Cabot is.

Cross-examined by the accused:

Questions to Lieutenant Platt by Commodore Porter.

Question. Had not the Island of Porto Rico, and especially the district about Foxardo, been notorious, from common report, before and at the time of your visit, as a rendezvous and refuge for such of the pirates as were unable to keep the sea, who were generally said to make that their retreat with their plunder, after marauding expeditions?

Answer. Yes.

Ques. Were not those reports communicated to me, and did I not receive frequent and heavy complaints of the piratical character of Foxardo and the country around?

Ans. Yes; I was present at a conversation between Commodore Porter and respectable merchants at St. Thomas, after his arrival on the 12th of November; they stated that protection was afforded to pirates by the inhabitants of Foxardo; that they were generally believed to be concerned with the pirates They referred him to respectable gentlemen on shore, who had letters from respectable people to that effect.

Ques. Were not the guns of the battery trained on the Grampus, as she lay abreast of the battery, before any order was given to land?

Ans. I do not know; they were so trained before they left the Grampus.

Ques. Did the party who had landed to strike the guns, make any attack or offer any violence to the persons at the battery, or use any force to dislodge them?

Ans. The party landed and took possession of the fort; the Spaniards abandoned it before our men reached them.

Ques. Was not the most perfect order preserved among our men on the march to Foxardo?

Ans. Yes.

Ques. Was any violence or injury of any kind committed by any of our men upon the persons or property of any of the inhabitants?

Ans. None whatever.

Ques. Were not the grog shops on the road from the harbor to the town thrown open, and temptingly set out with drink, and without any protection?

Ans. They were; liquor was brought out and offered to me as we were returning; I did not see anything of the sort as we went up.

Ques. Did you see or hear of any instance of the men's quitting their ranks to enter these shops; and had they any other means of getting refreshment until their return to the beach?

Ans. None whatever.

Ques. Were you near us during my conference with the alcalde; and did you hear distinctly what passed?

Ans. Yes; I was alongside of him.

Ques. Did I not exact, in addition to the apology for their ill-treatment of you, a promise that aid and assistance should be furnished, and respect shown to American officers, who might go to Foxardo in pursuit of pirates; and did not the alcalde promise such aid and respect, so far as lay in his power?

Ans. Yes; that they should be respected, and the alcalde promised it.

Ques. Did not the alcalde, on being asked by me why he had put you in confinement, say that he could not avoid it; that he had been compelled to do so by the others?

Ans. Yes.

Ques. Did you not understand from the said conversation, and the excuses made by the alcalde, that there was some mystery in the transaction; and that the regular authorities of the place had been interrupted, and forced from their duty by the irregular interference of unauthorized persons?

Ans. I drew that conclusion from the conversation that passed and the apology made.

Ques. Did you not ask the alcalde in my presence, if the goods had been recovered, and did he not answer no?

Ans. I do not recollect anything of the kind.

Ques. Did you know at the time you went first to Foxardo, that Campos had the goods, or did you get the information afterwards?

Ans. I received the information since.

Ques. Did you hear from many of the persons on shore, after my interview with the alcalde, that they had been expecting me, and preparing to resist me?

Ans. I understood from the interpreter that the visit was not unexpected to him; that he anticipated it.

Ques. Did not the alcalde, and the inhabitants generally, appear to be perfectly satisfied with my proceedings, and did we not all part in good fellowship, and with mutual civilities?

Ans. They did.

Ques. Did you hear any complaint from any of the inhabitants, of my landing, or of the treatment they received?

Ans. None whateevr.

Ques. Upon your arrival at St. Thomas, after your confinement at Foxardo, what American officer did you find in command there; and did you report to him, either verbally or in writing; or did you give him information of what had passed at Foxardo; and what advice or instructions did he give you?

Ans. Lieutenant Sloat came in some days after. I informed him what had passed, but made no formal report to him. He expressed an opinion that it was no more than we had a right to expect from them, but gave no advice.

Ques. Did you make a formal report to me of those transactions, immediately on my arrival at St. Thomas?

Ans. I did, as I have before stated.

Ques. Did you afterwards convoy vessels to Ponce, Porto Rico, or go there on other official business, by order of Lieutenant Sloat; and how were you received and treated there, by the authorities and inhabitants? Was it not with marked distinction and hospitality?

Ans. I went, not only by orders of Lieutenant Sloat, but of myself. I visited Ponce some time after, in consequence of the accompanying letter from Mr. Furness (read, annexed to the record, and marked 2,) where I was received with the greatest possible attention and respect. I was invited to a public dinner, where there were about forty of the most respectable citizens; and it was known that I was the same person who had visited Foxardo, and I landed in the same uniform that I had on at Foxardo. The particulars of my visit appear in a report made by me to Commodore Porter, dated February 10th, 1825 (read, annexed, and marked 3).

Ques. Did they make any such remark as this, that they were determined to show by their conduct towards you, that *they* were *not pirates*, and did you understand them as alluding to the affair of Foxardo?

Ans. No; I understood they were mortified at the treatment I had received at Foxardo, and were determined to show they were a different sort of people.

Ques. Did not some of the most respectable inhabitants of Foxardo apologize for the conduct of the alcalde, towards you, by saying he was somehow under the influence of the populace?

Ans. Yes; the interpreter himself told me that the alcalde was swayed by others, and an Irish gentleman there took a very active part on the occasion.

The court adjourned until 10 o'clock on Monday morning.

MONDAY, *July* 11.

The court met pursuant to the adjournment of Saturday. Present: all the members of the court (excepting Captain Wadsworth), the judge advocate, and Captain Porter.

A letter was read to the court, from Captain Wadsworth to the president, accompanied with a certificate from his attending physician, stating that he was too much indisposed to be able to attend the court-martial this day.

The court (the accused assenting) took the same order on this occasion as on Saturday, in consequence of the absence of Captain Elliott.

The minutes of the proceedings of Saturday were then read by the judge advocate.

The examination of Lieutenant Platt was resumed:

Ques. (By the president of the court.) How far is it from Foxardo to St. Johns, and is the communication between the places frequent?

Ans. I understand the distance is about forty or forty-five miles, and that the communications between the places are daily.

Ques. (By Captain Porter.) Was it generally anticipated and understood by the officers of the navy on the station, and by the persons at St. Thomas, who had heard of the treatment you had received at Foxardo, that I should proceed to the latter place and get satisfaction for their conduct, and that in so doing I should land with an armed force, and march to the town?

Ans. It was hoped by the merchants and respectable citizens of the place that such would be the case, and was wished for by the officers on the station.

Ques. Did this general anticipation of my intended course proceed from any communication from me, to the officers or others, of my intended operations, or merely from the general opinion of the propriety or necessity of the measure?

Ans. From the opinion of the propriety and necessity of the measure.

Ques. Was it the general opinion, and your own, that the course which it was supposed I intended to pursue was a necessary and effectual measure to repress piracy, and ensure respect and protection to our officers and detachments, when landing in the discharge of their duty?

Ans. Yes, it was thought to be necessary that such a stand should be taken, until it happened no vessel dared leave the port without the protection of a man-of-war.

Ques. Was it the general opinion, and your own, from your experience of the consequences of the operation at Foxardo, that it had made the most beneficial impression, and had produced effects of great practical utility in the accomplishment of the general objects of our cruise, the suppression of piracy?

Ans. It was decidedly my impression; and the subsequent treatment I have received from the authorities in the Spanish West India islands, and their conduct since, has created this impression. I never before knew of any aid or assistance being furnished by the authorities of Porto Rico; it has been done since.

Ques. Had you not been cruising a considerable time before your first visit to Foxardo, in the neighborhood of that place and St. Thomas in the Beagle? Was not the Beagle well known in those parts—and was there not daily and hourly intercourse by means of small boats between St. Thomas and Foxardo?

Ans. Yes, I had been on the station a short time. I had been cruising in the neighborhood of Foxardo within sight of the east end of the island, before I went to St. Thomas, and there was a constant communication between Foxardo and St. Thomas.

The examination of this witness being closed, at the request of a member who had a proposition to submit, the court was cleared.

The proposition having been submitted, after deliberating upon the same, the court adopted the following resolution:

It appearing to the court that what purports to be the proceedings of this court, and particularly the evidence given by the witnesses who have heretofore been examined, have been published in a newspaper of this city; and this course appearing highly objectionable, and, in particular, virtually annulling a special rule of all courts-martial—that no witness, previous to his examination, shall be permitted to know what testimony has been given by any other person; it is ordered by the court that no spectator, other than such persons as may be particularly employed by Captain Porter, and for his use, be permitted to take minutes of the proceedings of the court.

Whereupon, the court was opened, and the foregoing proceedings announced.

Robert Ritchie, a lieutenant in the navy of the United States, being duly sworn, according to law, deposes and says:

I landed, in company with Mr. Platt, at Foxardo, on the morning of the 27th of October. Mr. Bedford, a clerk of Messrs. Cabot and Bailey, and the pilot, were in company. It was about six or seven in the morning. We met a number of men on the beach. One man, with a cutlass in his hand, but without any appearance of being an officer or soldier, addressed Lieutenant Platt, asked him for his register. Lieutenant Platt replied that he carried no register—told him what vessel it was—that it was the United States schooner Beagle. He inquired for the captain of the port, and was told he lived at Foxardo. One of the citizens offered to show us the way, and we started off. We saw the captain of the port on our arrival at the town—told him our business. Mr. Platt told him he had come on shore in citizen's dress; that he had brought with him a clerk of the house whose goods had been stolen. The captain of the port asked Lieutenant Platt for his register; he replied that he carried none; he was satisfied apparently. Mr. Platt showed him the letter he had for Mr. Campos; he sent a young man with us to show us where Mr. Campos resided. On our leaving him, he appeared perfectly satisfied. After Mr. Campos had read the letter, he offered to render us all the service in his power—said it would be necessary for us to go over to the alcalde's house, and he would forward our views. On our arrival there, we found the captain of the port. Mr. Campos related to the alcalde what our object was; he appeared perfectly satisfied, and shook hands with us after an introduction. Mr. Campos then requested the alcalde and the captain of the port to go into a private room, that he wished to speak with them. The door was shut; we heard them in conversation. Mr. Platt proposed to me to go over and get some breakfast, as they were busy. We had just finished our breakfast, when a negro came over with a sword in his hand, and told us the captain of the port wished to see us. On our arrival at the alcalde's house, the captain of the port came up to Lieutenant Platt, and demanded of him his register. He replied, I told you, and I tell you again, my vessel carries no register. He appeared very angry, and said he would detain us until he heard from St. John's. Lieutenant Platt then attempted to leave them. The alcalde took him by the arm, and said he must consider himself a prisoner. He asked why he was detained as a prisoner. The captain of the port replied, you are nothing but a pirate. I began to walk to and fro, and he ordered me into the same room where Lieutenant Platt was—and he said if we were not satisfied with that, he would order us to the King's house. Just at that moment, a gentleman came up and accosted me by name. His name is Craft—he is a planter in the island. He asked me what my difficulty was, and I told him. He turned round to the captain of the port, told him who I was, that he had seen me at St. John's, at the funeral of Lieutenant Cocke, and knew me to be an American officer. He reasoned with the captain of the port

upon the impropriety of his conduct, when he knew me to be an officer in the navy. The captain of the port appeared very angry, was walking about, swearing in Spanish. Lieutenant Platt asked him if he would allow me, or any one present, to go on board his vessel and get his commission. He said no, he would send us to the city—St. John's. The gentleman who acted as interpreter, and had been alcalde before, offered himself to go; he objected to that, and allowed Mr. Bedford, (the clerk of Mr. Cabot,) and Mr. Campos to go. They brought both our uniform coats ashore, and Mr. Platt's commission. The commission was read to him by the interpreter. He threw it on the table, said it was a forgery, that there was no lieutenant commandant in it. The captain of the port then became very abusive, walked about, and I could frequently hear him talk of Commodore Porter and the officers. I then attempted to come out of the door, and two negroes who stood there with cutlasses ordered me back. Some conversation took place between the captain of the port, the alcalde, and the interpreter in the back part of the room, but I could not understand what was said. The interpreter then came forward, and asked Lieutenant Platt whether he had anything to show that he was lieutenant commandant, for that the captain of the port, as he said, was so ignorant he could not beat it into his head. He said he had his appointment from Commodore Porter, which he could show them—his orders to the vessel. Mr. Campos in the meanwhile had brought horses there, and told Lieutenant Platt he might probably get the goods at a small town about twenty miles off, the name of which is Naguaba. Mr. Platt declined going, and sent Mr. Bedford and Mr. Campos on board for all his papers. It was some time before they returned with the papers, and we were kept, in the meanwhile, guarded in the room by the negroes. When they returned with the papers, Lieutenant Platt showed the captain of the port his orders. The captain of the port did not appear satisfied with the papers, until the interpreter and Mr. Craft told him they knew it to be Commodore Porter's signature, that they had seen it before. At this time a number of citizens had met in the room together;—a long conversation took place between the alcalde, the captain of the port, and the citizens. Mr. Craft and the interpreter, who appeared very warm in our favor, told them the impropriety of their conduct in detaining us. They at last agreed about sunset, to let us return to our vessel. We proceeded towards the vessel, and at the outskirts of the town saw some blackguards there, who laughed at us. We took no notice of them, but passed on, got on board the schooner about seven or eight o'clock, and made the best of our way to St. Thomas.

We told the captain of the port while he had us detained, that Commodore Porter was coming out, and we should acquaint him with our treatment. Neither the alcalde nor the captain of the port had any uniform on; I asked them why they had no uniform on; they said it was none of my business.

On the morning of the 14th November, we arrived in the harbor of Foxardo, under the command of Commodore Porter. Standing in, the commodore hailed Lieutenant Platt, and told him to stand in, and cover with his schooner the landing of the troops. We did so, and had everything clear for action. After the men from the Grampus and the boats had landed, the commodore, in passing by, ordered Lieutenant Platt to come on shore. I landed with Mr. Platt; the troops were then ordered to march. Before we got on shore, Lieutenant Crabbe had marched with the marines, and Mr. Stribling had gone with the flag. Mr. Pendergrast, and the party who had spiked the guns on the hill, just joined us. We all marched off, leaving Mr. Barton, with a party of marines, to guard the boats. On our passing two guns, about a quarter of a mile from the beach, the commodore directed Mr. Pendergrast to spike them, which was done. On our arrival near the town, I observed Mr. Crabbe, with the marines, stationed about four or five hundred yards from a field piece at the entrance of the town. The commodore then ordered the men to halt about one hundred yards from Mr. Crabbe. After we had been there about ten or fifteen minutes, I observed Mr. Stribling with the flag, coming down with the alcalde and the captain of the port. When they arrived, the commodore requested all the officers to assemble together under a tree. The commodore told the alcalde the object of his visit; that he must make an apology to Lieutenant Platt for his treatment, satisfactory to the officers around. He did apologize. The commodore then told him that, should any officer hereafter land there, he must treat him with every respect that was due to him. The commodore then shook hands with both of them. They gave him an invitation to go into the town. The commodore asked if there were any refreshments, he wished some for his men. I pointed out a man with whom we had breakfasted, who said he would furnish liquor. The commodore walked into the edge of the town with the alcalde and the captain of the port. He then wished them good-by, and said he should march his men down to the beach, where they could get the refreshments. I believe I was the last man out of the town. Mr. Campos came up, and asked me if I would carry a letter from him to Mr. Bergeest, at St. Thomas. I said yes, provided it would not detain me. I asked him if he had heard anything of the stolen goods. He said he had not, though he had made every inquiry. He went for the letter, but not returning soon enough, I proceeded to the beach. On my return, I found the houses that had been deserted as we went up, had their inhabitants in them; they took off their hats to me as I passed, and gave me some water to drink. I got down just as the men did with the liquor. It was paid for, and we went off. Several persons on the beach on our return offered us cocoa nuts.

Question. When you arrived on the first occasion in the harbor of Foxardo, and while you remained there, were your colors flying on board the Beagle?

Answer. When we arrived it was just at sunset. The colors were then flying; and as we landed, Mr. Platt ordered them to be hoisted at 9 o'clock.

Ques. Do you think that when you landed, the character of the vessel was known to the people on shore?

Ans. I think so; for a man who had come off to us, had by this time landed, and I presume had acquainted them with our character.

Ques. Was there any interruption offered to you on the beach when you landed?

Ans. Only by the man that I before mentioned, who had a sword in his hand, and his head tied up.

Ques. Was your character announced to the people on the beach?

Ans. Yes.

Ques. Was it known to all with whom you spoke that you were American officers?

Ans. Yes.

Ques. What was the object of landing without your uniforms?

Ans. We thought it would increase our prospect of success if it was not known who we were.

Ques. Why then did you announce who you were?

Ans. We announced it to the authorities as we had intended, and to the man on the beach: we knew we could get up to the town before him.

Ques. Did Lieutenant Platt and yourself examine any of the goods in any of the retail stores in the town, or make any inquiries there as to the goods?

Ans. No; we had asked permission of the alcalde to do so, and it was refused us.

Ques. Did either of you go to any of the stores?

Ans. No; the man who kept the public house had a store, but we did not go in; and we first entered Mr. Campos' store, but did not examine any of the goods

Ques. What was the treatment you received from the inhabitants of Foxardo, besides the alcalde and the captain of the port?

Ans. We received from four or five gentlemen there very kind treatment, but from the lower classes our treatment was rough.

Ques. Did those who were rough in their behavior, appear to know who you were?

Ans. I do not know. Mr. Craft mentioned to the persons in the house of the alcalde and around the door, who we were.

Ques. Did they carry you, or order you to the jail?

Ans. They ordered me, and the alcalde took Mr. Platt, and led him into a room in his house, and they also spoke of sending us to the King's house. The room in which we were kept was occupied as a stable, the front room was occupied as his office. On reflection, I recollect that Mr. Platt, accompanied by the two negroes, was ordered to the jail, which was about fifty yards from the alcalde's house. I did not accompany him; he was absent only a few moments.

Ques. Did you at the time attribute the conduct of the captain of the port and the alcalde to their ignorance of your character, or to a wish to insult the American flag in your persons?

Ans. I thought at the time they wished to insult us; I afterwards understood they were bribed by Mr. Campos to do it. I had no idea they were ignorant of our character.

Ques. When you were released, were you ordered to go on board your vessel with any insulting language?

Ans. Not by anybody else than those I have spoken of at the outskirts of the town. At leaving the captain of the port, I told him the commodore would pay him a visit shortly; he shook his cane at me, and said something in Spanish, which from his manner I thought was abuse.

Ques. When the Grampus and Beagle entered and anchored in the harbor at Foxardo, were their colors flying, and were they prepared for action?

Ans. Yes; the commodore's broad pendant was flying on board the Grampus; the flags were flying on board the Beagle, and the boats and all were ready for action.

Ques. Where did the Grampus anchor?

Ans. The Grampus anchored abreast of the battery on the hill.

Ques. Did you see any preparations making in that battery to fire on you, and how soon after anchoring?

Ans. As we were standing in, I saw a number of men standing in the battery on the hill, a company to each gun, and I thought they were preparing for action.

Cross examination on the part of the accused:

Ques. Did you not find, on your first visit to Foxardo, some person or persons in search of property stolen from other islands besides St. Thomas?

Ans. Yes.

Ques. Had you any doubt at the time of your detention at Foxardo, that they all perfectly knew the real character of yourselves and vessel?

Ans. I had no doubt of it.

Ques. From information since obtained, what do you believe to have been the real object of the persons who caused your detention?

Ans. I thought at the time the object was to insult us; I have since received information which has induced me to believe that Mr. Campos at that time had the goods in his possession, and that he had bribed the alcalde and the captain of the port to act towards us as they did.

Ques. Before my visit to Foxardo, and at the time I proceeded from St. Thomas on the expedition to Foxardo, was that place and the district around notorious as the haunt and refuge of pirates?

Ans. Yes, I have understood from good authority that they plundered not only on the high seas, but on shore.

Ques. Was the general opinion of the officers, and of other persons interested in the suppression of piracy, decidedly in favor of my expedition to Foxardo; and was it not generally anticipated and thought proper, after the insult to Lieut. Platt?

Ans. Yes.

Ques. Were the practical effects and consequences of my operations at Foxardo found to be highly beneficial and useful; and was the measure applauded even in Spanish towns and in Porto Rico itself?

Ans. Yes, particularly at Ponce and Aguadilla, where I afterwards was.

Horatio N. Crabbe, a lieutenant in the marine corps of the United States, being duly sworn according to law, deposes and says:

I was on board the John Adams as commanding marine officer of the guard. On our arrival at St. Thomas, we heard of an outrage that had been committed by the authorities at Foxardo upon the persons of Lieutenants Platt and Ritchie. We proceeded from St. Thomas, for the purpose, as I understood, of obtaining satisfaction for the insult. The schooners Grampus and Beagle were in company, and we anchored with the ship off Passage Island. The boats of the ship and the men to be taken from her were got in readiness for service. We left the Adams about sunset on the evening of the 13th of November, proceeded on board the schooners, and on the morning of the 14th, between seven and eight o'clock, anchored in the harbor of Foxardo. The first boat that left the Grampus was under charge of Lieutenant Pendergrast, accompanied by Lieutenant Barton, of the marine corps, with the marines of the Grampus, thirteen or fourteen in number. I do not know the orders that Mr. Pendergrast received. I saw him take possession of the battery before the rest of the boats had landed, without any opposition. About nine o'clock all the men had landed. We were formed in line on the beach. I received a message from

Commodore Porter stating that he wished to see me. I repaired to the place where he was standing, and received orders from him to form my guard—look for the road to the town; proceed and take up a favorable position to cover the advance of the main body. I found the road without difficulty; marched my guard off, consisting of two sergeants, two corporals and twenty privates. I had also with me from the ship, a boy who is the marine drummer; a master at arms of the John Adams, and a drummer from the Grampus; the whole, including myself, amounting to twenty-eight persons. At the distance of about half a mile from the beach, there were two long nine-pounders mounted on a platform in the middle of the road. I halted the men to examine whether they were charged or not, and found they were not. I at the same time took off the aprons and threw them on the ground, after which I continued my march towards the town. When about half way between the beach and the town, I observed a small number of persons following me with a white flag. Not conceiving that I was under the necessity of waiting for them, until I discovered Lieut. Stribling to be one of the persons accompanying the flag, I proceeded on the road. At this time I was within sight of the town, approaching a position where I had contemplated halting to await his arrival. I halted upon that ground until he came up, and in reply to some observations from him, I told him I would escort him into the place; he replied very well. I suffered him to get in advance of me twenty or thirty yards, when I put the men in motion and followed him at a slow pace. I observed some movements among the Spaniards which I thought indicated hostility on their part. When Lieut. Stribling came up with me, there was a white flag held by the Spaniards at the entrance of the town.

They came out to meet him. I was at the time marching on slowly in his rear, when the flags met; I saw three or four Spaniards kneel and present their muskets. I had determined to push on at quick step and render him assistance, if it was necessary. I however received a message from him requesting me to halt, until his return from the town. At this time I was from one hundred and fifty to three hundred yards of the town. Commodore Porter arrived shortly after Lieut. Stribling left me to go into the town, and halted some distance in the rear of the marines. He came to the ground I occupied, and directed me to place my men in a position to face the Spaniards, which I did.

Not being able to complete the examination of Lieutenant Crabbe, the court adjourned till to-morrow morning at 10 o'clock.

TUESDAY, *July* 12.

The court met pursuant to the adjournment of yesterday. Present: all the members of the court, (except Captain Wadsworth, who still continues too much indisposed to attend,) the judge advocate, and Captain Porter.

The minutes of the proceedings of yesterday were read. The examination of Lieutenant Crabbe was resumed:

A short time after Lieut. Stribling was observed returning, accompanied by the alcalde, and some other persons from the place, I was directed by Commodore Porter to occupy a position, on both sides of the road, and to suffer none to pass, excepting those who were in immediate attendance on the flag. Those instructions were obeyed. The commodore returned to where the officers were assembled, and there received the alcalde. I do not know what occurred there, being at too great a distance to hear what was said. After a short conversation between the commodore and the alcalde, I observed them approaching me. The commodore, as he passed, directed me to follow him, with the marines, to the town; stating, at the time, that he had received an invitation for himself, his officers, and men, to partake of some refreshments, after their march. We entered the outskirts of the place; I then had an opportunity of seeing the number of Spaniards drawn up, which amounted to about three times the number of the marine guard. They appeared to be militia, and with muskets. There was also another party on horseback, armed with swords, and a small number with a field piece, which I presumed to be a six-pounder. After some conversation between the commodore and the alcalde, the former stated, that if refreshments were sent to the beach, they should be paid for; at the same time stating to me, that he did not wish to bring all the men into the place, as he was afraid some excesses might be committed, which would put an end to the peaceable settlement of the business. Commodore Porter then parted with the alcalde, as I thought, upon friendly terms, left the place, accompanied by his officers, and returned to the beach. I omitted to mention, that, when I first received my instructions from Commodore Porter, I had particular orders not to suffer my men to commit any outrages upon the property of the inhabitants along the road; nor to commit any acts of hostility myself, unless I met with resistance.

On our return to the beach, I brought up the rear with the marines; we received the refreshments, after which we embarked, and went on board the schooners, and proceeded to the John Adams.

A number of the inhabitants accompanied us to the beach. The persons who brought the refreshments refused to receive payment for them.

Lieutenant Ritchie produced again by Captain Porter:

Question. Did Mr. Campos give any reason for advising Lieutenant Platt and you to go to Naguaba in search of the goods; such as its being a noted piratical establishment, &c.?

Answer. He said it had been noted as a place of deposit for stolen goods, and that he had once before found goods there which had been stolen.

Ques. (By same.) Are you acquainted with the situation of Naguaba and Boca del Inferno, on the coast of Porto Rico; and how far are they respectively from Foxardo and Ponce?

Ans. Naguaba is about twenty miles from Foxardo, and Boca del Inferno about fifteen miles from Ponce, between Naguaba and Ponce.

Ques. (By same.) Were those places, Boca del Inferno and Naguaba, also notorious as piratical haunts?

Ans. Both.

Thomas B. Barton, a lieutenant in the marine corps of the United States, being sworn according to law, deposes and says:

I was on board the Grampus, as passenger, for Thompson's Island. On the 14th November last, about 8 o'clock in the morning, the Grampus and Beagle, with the boats of the Adams, entered the harbor of Foxardo. The Grampus came to anchor opposite a two-gun battery, at which time I could

plainly perceive fifteen or twenty persons at the battery, loading the guns and training them towards the Grampus. I immediately after received orders to proceed in the launch with Lieutenant Prendergast, first [lieutenant] of the Grampus, with fourteen marines, the guard of the Grampus; Lieutenant Prendergrast received orders from Commodore Porter to proceed in the direction of the two-gun battery, with as little hazard as possible, and take the fort, spike the guns, and destroy the ammunition. We pulled off from the Grampus, from half-past 8 to 9 o'clock. The people in the fort were, at the time, endeavoring to get the guns of the first to bear upon the launch. The course of the boat was altered, which prevented them from bringing the guns to bear upon us. They motioned with their hands for us not to proceed. We succeeded in reaching the rear of the fort and landed; and then in reaching the fort, situated about 80 feet above the level of the ocean. Just at the edge of the fort we saw about three or four of the Spaniards; the rest had run.

We immediately spiked the guns, and destroyed the ammunition, consisting of one round shot, one charge of powder, and a canister of small grape, musket balls, and spikes. One gun was charged, the other about half loaded; it had powder and ball, but the canister was not in it—both of them primed, and each having a lighted match alongside.

Agreeably to our orders, we immediately proceeded down to the beach, followed the motions of Commodore Porter, who had first landed with the troops and sailors on the beach, near the road leading to the town of Foxardo. On our arrival on the beach, Commodore Porter ordered me to remain in the rear to protect the boats at the landing. I had from twenty to twenty-five men, including marines and sailors. I was particularly ordered not to suffer a single person under my command to commit depredations on persons or property. The troops under the commodore a short time after marched off on the road leading to the town of Foxardo. After an absence of from two to four hours the main body returned. After receiving some refreshments on the beach, we were ordered to re-embark for the Grampus and Beagle. While on our way to the vessels, I could discover eight or ten men in the fort endeavoring to draw the spikes out of the guns, but they could not succeed. We got on board, and proceeded immediately out of the harbor.

Question. At what time was Lieutenant Stribling dispatched with the flag of truce?

Answer. I do not know. I believe that when we landed on the beach, both he and Lieutenant Crabbe were on their way towards the town.

Ques. Were the Spaniards whom you saw in the battery armed?

Ans. They had no small arms, I believe.

Elnathan Judson, a surgeon in the navy of the United States, being duly sworn according to law, deposes and says:

Question. (By Captain Porter.) Do you recollect a conversation between Mr. Platt and myself, when we first landed at the harbor of Foxardo, respecting the omission of Mr. Platt to bring Mr. Bedford on shore; and my reply to his apology for the omission, that we must first inquire for the goods, and, if found, we might send for Mr. Bedford to identify them, or anything to that effect?

Ans. I recollect a conversation to that effect.

Lieutenant Platt again called:

Question. (By Captain Porter.) Have you any recollection of asking the interpreter, in the presence of the alcalde and myself, whether the goods you first came in search of had been found, and what was his answer?

Answer. I recollect perfectly well asking the question. It was after the commodore had been invited up to the village. He told me he was not aware of any discovery having been made. I was at the time in company with the commodore, and within his hearing.

The court adjourned till 10 o'clock to-morrow morning.

WEDNESDAY, *July* 13.

The court met pursuant to the adjournment of yesterday. Present: all the members of the court, the judge advocate and Captain Porter.

The proceedings of yesterday were read. The judge advocate then read and submitted to the court the following documents:

Instructions to Commodore Porter, dated February 1, 1823, marked 4.

Commodore Porter to Secretary of the Navy, dated November 15, 1824, marked 5.

Lieut. Platt to Commodore Porter, dated November 11, 1824, marked 6.

Stephen Cabot to Commodore Porter, dated November 12, 1824, marked 7.

Bergeest and Wilhorn to Commodore Porter, dated November 11th, 1824, marked 8.

The judge advocate stated that he had no further evidence to lay before the court in support of the first charge and specification under it. Captain Porter, by his counsel, submitted to the court a certain paper, hereunto annexed, and marked I. Whereupon the court was cleared to deliberate upon the same.

After mature deliberation, the court determined that it would receive any communication from the counsel of Capt. Porter, in support of the exceptions he had taken to the second charge, and the specifications thereof; but that all communications must be submitted in writing. The court also wishes that the same be presented with as little delay as possible, and after receiving them the court will proceed to deliberate upon the same.

The court being opened, the foregoing resolution of the court was announced to the accused.

The counsel for the accused then applied for time till to-morrow morning; whereupon the court adjourned till to-morrow morning, at 10 o'clock.

THURSDAY, *July* 14.

The court met pursuant to the adjournment of yesterday. Present: all the members of the court, the judge advocate, and Captain Porter.

The minutes of the proceedings of yesterday were read. Captain Porter handed to the court a letter from Mr. Jones, his counsel, stating that a severe indisposition would prevent him from attending before the court to-day. Capt. Porter requested the further indulgence of the court till to-morrow; whereupon the court adjourned till to-morrow morning, at 10 o'clock.

FRIDAY, *July* 15.

The court met pursuant to the adjournment of yesterday. Present: all the members of the court, the judge advocate, and Captain Porter. The minutes of the proceedings of yesterday were read.

The counsel for Captain Porter then proceeded to state to the court the objections to the second charge and specifications thereof, which he stated had been drawn up with great haste, and while laboring under great indisposition, and would require to be fairly transcribed before the paper could be annexed to the record. This he promised to have done, and to transmit the paper to the judge advocate.

The court was cleared, and having come to the resolution that it could not act upon the paper read by the counsel before it was laid before the court, it would take no order on the subject until that was done; whereupon the court was opened, and adjourned till 12 o'clock to-morrow.

SATURDAY, *July* 16.

The court met pursuant to the adjournment of yesterday, and at four o'clock the counsel for Captain Porter presented the paper which contained the objections read yesterday, and the court adjourned till 10 o'clock on Monday morning.

MONDAY, *July* 18.

The court met pursuant to the adjournment of Saturday. Present: all the members, the judge advocate, and Captain Porter.

The minutes of the proceedings of Saturday were read. The paper submitted to the court on Saturday was read by the counsel for Captain Porter, and annexed to the record, and marked K 1. After hearing the same, the court was cleared, and it was determined that the court would receive the remarks which the judge advocate had been requested to prepare, with open doors, and would then proceed to deliberate upon the questions that had been raised.

The court being opened, and the foregoing resolution announced, the judge advocate proceeded to read his reply to the objections that had been urged on behalf of the accused, which was annexed to the record, and marked K 2. Whereupon the court was cleared, and after some time spent in deliberation, the court was opened, and the following resolution announced:

The counsel for Captain Porter, after pleading generally, not guilty, under protest, and reserving a right at any future stage of the trial to take exceptions to the form and validity of the charges and specifications, or any of them, has now excepted to the second charge and specifications thereof, insisting that the same are defective in form, and that the facts therein set forth do not constitute any military offence, of which a court-martial can take cognizance. It being a matter of doubt among some of the members of the court, and the judge advocate, whether a decision upon this question would necessarily involve a final decision of the case, and preclude the accused from proceeding, under the plea of not guilty, to offer any evidence in the case; and should the court decide that it can take cognizance of the charges, &c., it being highly desirable that the whole case should be fully investigated; the court is desirous of obtaining the opinion of the attorney general upon the following questions:

1st. Whether the second charge and the specifications thereof are drawn up with sufficient precision, and in legal form, and whether the facts therein set forth do allege offences cognizable before a court-martial?

2d. Whether the decisions of the court upon the exceptions taken necessarily preclude the court from calling upon the accused to plead absolutely to the said charge and specifications, and proceeding to trial thereon, or whether such decision will be final, notwithstanding any waiver by the judge advocate of such consequence? And that the same be transmitted to the Secretary of the Navy, with a request that he submit the same to the attorney general of the United States for his opinion thereon.

Commodore Porter having heard the order of the court, referring certain questions to the attorney general, would renew the application, suggested the other day by his counsel, to reply in writing to the answer of the judge advocate to his objections against the second charge and the specifications of the same, if the questions are to be submitted to the attorney general, accompanied by the arguments that have been submitted to this court on both sides of the question.

The court was cleared to deliberate upon the application, and after some time the court was opened and Captain Porter was informed that the court had decided not to receive any rejoinder.

The court thereupon adjourned till two o'clock to-morrow.

TUESDAY, *July* 19, 1825.

The court met pursuant to the adjournment of yesterday. Present: all the members of the court, the judge advocate, and Captain Porter. The proceedings of yesterday were read.

The judge advocate stated to the court that he had communicated to the Secretary of the Navy the resolution of the court on yesterday, with the questions annexed to the same; and that he had just received from the Secretary of the Navy certain documents, which were read, annexed to the record, and marked L, M, and N.

After reading the same, Captain Porter stated to the court that, with a view of preventing any unnecessary trouble or difficulties, he would withdraw the exceptions that had been urged on his behalf to the second charge and specifications, which, with the permission of the court, should be done to-morrow, in writing, and that he would then state the considerations by which he was guided. To this proposition the court acceded. Whereupon the court adjourned till 10 o'clock to-morrow morning.

WEDNESDAY, *July* 20, 1825.

The court met pursuant to adjournment of yesterday. Present: all the members of the court, the judge advocate, and Captain Porter. The proceedings of yesterday were read.

Captain Porter stated to the court that he, being very much indisposed, would ask permission of the court to read, by his counsel, the paper to which he had referred yesterday; to this the court acceded, and Mr. Jones, the counsel for Captain Porter, commenced reading the same.

While proceeding to read it, the judge advocate stated that he considered a part of the paper as objectionable, inasmuch as it was a comment upon the reply read by him to the exceptions which had

been taken to the charge and specifications, and to which the court had already announced its determination to receive no rejoinder. Whereupon the court was cleared to deliberate upon the question: and after maturely examining and considering the paper submitted, the court is of opinion that all that part of the same commencing on the second page with the words "I beg leave further to state," and terminating at the bottom of the fourth page; and the passage commencing on the fifth page with the words "whether it may hereafter," and terminating at the end of the first paragraph on the sixth page, is objectionable, on the ground stated, and as not pertinent to any matter or question now before the court, for its consideration, and consequently cannot be received. Whereupon the court was opened and the foregoing proceedings read by the judge advocate. The counsel for Captain Porter then proceeded to read to the court the paper, as received by the court, which was annexed and marked O.

The judge advocate then read and submitted to the court the following documents referred to in the first specification of the second charge:

1st. Copy of a letter from Captain Porter to the President of the United States, dated March 17th, 1825, certified by the chief clerk of the Navy Department to be a true copy from the original, filed in that Department. The counsel for the accused objected to the production of the certified copy of the letter to the President, and required the production of the original, which, as he stated, appears to be in the Navy Department: he further stated that Captain Porter believed that a variance existed between the copy offered and the original, as to the date. The court was cleared, and after some time spent in deliberation was reopened, and the decision of the court was read, that the copy certified by the chief clerk of the Department was not admissible in evidence. Captain Porter then presented the following minute of explanation:

Captain Porter begs leave to explain, that his call for the originals, though founded on one of the most indispensable rules of evidence, which requires the best evidence the nature of the case admits, was not intended to stop the reading of the copies "de bene esse;" with an understanding and proviso that the originals, if extant, shall be produced; he observes some discrepancies between the copies offered and his own; and therefore wishes that exact accuracy shall be obtained by the production of the originals, which he understands can be done without any inconvenience, since they appear to be among the archives of the Navy Department.

The judge advocate then called upon Capt. Porter to produce a certain correspondence between himself and Mr. Monroe, late President of the United States, bearing date the 10th and 12th days of March, 1825, being two notes from Capt. Porter, of the aforesaid dates, to Mr. Monroe, and one note from Mr. Monroe, dated the 12th March, and such other note from Mr. Monroe, if any other there be, referred to in a letter from said Capt. David Porter to the Secretary of the Navy, dated April 13, 1825. He further stated that the counsel for Capt. Porter, and Capt. Porter himself, had been notified on the 8th July, instant, to produce the aforesaid papers on the trial of this case.

To this application, Capt. Porter made the following answer:

In answer to the call made by the judge advocate for the production of a certain correspondence between Capt. Porter and Mr. Monroe, late President of the United States, dated on the 10th and 12th days of March last, being two notes from Capt. Porter of the aforesaid dates to Mr. Monroe, and one from Mr. Monroe, dated on the 12th, he remarks, from the reference to dates, after Mr. Monroe had ceased to be President of the United States, that a correspondence, merely private and unofficial, is what this call purports to have designated. He conceived the specifications vague and uncertain enough, when it accused him of the writing of insubordinate and disrespectful letters, of which neither the identity nor the exceptional passages were pointed out, otherwise than by a naked reference to dates; but now, letters to which not one of the specifications purport to bear the remotest reference, are called for. Capt. Porter, in answer to this call, has only to say that it is incumbent on the judge advocate, in the first instance, to show the relevancy of this correspondence to the matter in issue, which of course will include the kindred question. By what right is the private and unofficial correspondence of the accused to be subjected to this inquisitorial power? Is he to be compelled to disclose his private correspondence, merely to have it examined to see whether it contains any criminating matter? And if it should be subjected to this inquisitorial power, and should appear to have been so offensive in its language, is it to be contended that he could be called to account before this court for any offence that could be taken at an unpublished correspondence? But he has this only to remark, in conclusion, that as Mr. Monroe is a party to the alleged correspondence, is the depository of a part or the whole of it, and of course is entitled to all the inviolate sanctions of a private correspondence; when he shall give up his part of it to the prosecution, or when it shall be authentically certified to Capt. Porter that Mr. Monroe desires the disclosure of it, then it will be time enough to call upon Capt. Porter to decide on the expediency of surrendering such parts of the correspondence as may be in his hands; but he reverts to the original question, and demands from the judge advocate an explanation, under what specification and for what purpose this newly designated correspondence, prima facie, so foreign to anything in the matter of the accusation, is to be offered in evidence?

The judge advocate then called upon the court for permission to issue interrogatories, to take the deposition of Mr. Monroe. The court was cleared to consider this question, and it determined that the deposition of Mr. Monroe may be taken upon interrogatories Whereupon the judge advocate was directed to prepare his interrogatories, and to submit the same to the accused, who shall be at liberty to file cross interrogatories if done without delay, and that the same be transmitted to the witness with a request that he answer the same, and swear to such answers before any judge, magistrate, or notary public, and that the same be deemed a sufficient authentication of such evidence. Whereupon, the court was opened and this decision announced.

Capt. Porter having heard the order read, directing the deposition of Mr. Monroe to be taken on interrogatories, as well on the part of the judge advocate as of the accused, suggests that, (before he can frame any interrogatories on his part, directly pointing to the gist of the accusation, which the correspondence before alluded to, between himself and Mr. Monroe, or the deposition of the latter, may be cited to support,) it will be necessary for the requisition upon the judge advocate, contained in Capt. Porter's answer to the call for the said correspondence, to be complied with; namely, to declare, specifically, the purpose and object of offering the said correspondence in evidence, and the particular point of the accusation to which it is supposed to relate. Capt. Porter begs leave further to suggest, that the

interrogatories to be exhibited to Mr. Monroe, on the part of the prosecution, will probably only go to the authentication of the supposed correspondence, which can of course afford no clue to divine the purpose, or the gist of the accusation, for which the correspondence is wanted.

The judge advocate inquired whether the foregoing was designed as an application to the court; to which the counsel of Captain Porter replied, that it was an application to him. The judge advocate then remarked that he must answer in the negative, and decline going into any specification. It was then said by the counsel for the accused, it would be deemed an application to the court.

The court was cleared to deliberate upon the application on the part of the accused, and when it was opened, it was announced that the application is not complied with.

The court then adjourned till 11 o'clock to-morrow morning.

THURSDAY, *July* 21.

The court met pursuant to the adjournment of yesterday. Present: all the members of the court, the judge advocate, and Captain Porter.

The proceedings of yesterday were read. The judge advocate then proceeded to read, (it being admitted that the original is in the handwriting of Captain Porter,) the original letter from Captain Porter to the President of the United States, and it appearing that the same corresponded with the certified copy which was offered yesterday, with the exception that the word President was written at full length in the one, and Prest. in the other; that Mr. Randall's name was, in the original, spelled with one *l*, and with two in the copy; and the date of the original was April 17th, 1825, and that of the copy, 17 April, 1825. The variations were corrected, and the copy annexed to the record, and marked 5. The judge advocate stated that he had left the documents, which it was designed to exhibit in evidence, at the Navy Department, with a request that they might be particularly compared with the originals, and that they should be brought down by a witness, prepared to swear to their accuracy.

The judge advocate further stated that, at the opening of the court this morning, he had submitted to the counsel for the accused the interrogatories to be propounded to Mr. Monroe, for the purpose of having the cross-interrogatories annexed thereto, and that it was important to have the same completed, that they might be transmitted without delay; the counsel for the accused replied that he had been unable to complete the same, but would have it done by the opening of the court in the morning.

Captain Porter then submitted to the court the following paper:

Captain Porter having been this day, after the meeting of the court, served by the judge advocate with a copy of his interrogatories to Mr. Monroe, to which he perceives is annexed the original correspondence, alluded to in the call made upon Captain Porter by the judge advocate yesterday; that is, the original letters of Captain Porter, of the 10th and 12th of March last, and the rough draught of Mr. Monroe's answer, of the 12th, which dispenses Captain Porter from any delicacy in saying that he admits the authenticity of the said letter; but being still uninformed of the purpose intended by the introduction of the same, reserves all proper objections to the relevancy and admission of the same as evidence, when the same shall be offered as such evidence.

The court having continued in session until near three o'clock, and no witness having appeared, the court adjourned till ten o'clock to-morrow morning.

FRIDAY, *July* 22.

The court met pursuant to the adjournment of yesterday. Present: all the members of the court, the judge advocate and Captain Porter. The proceedings of yesterday were read.

John Boyle, a witness, being called, and duly sworn, according to law, deposes and says:

Qu stion. Are you a clerk in the Navy Department?

Answer. I am.

Ques. Have you carefully compared the papers now shown you with the originals on file in that Department, and are they exact copies?

Ans. I assisted in the examination of the papers; all those from Commodore Porter were compared with the originals; those to him were compared with the records in the Department. The originals of these letters were transmitted to Captain Porter. I believe them to be true copies.

The judge advocate then proceeded to read the following documents:

1st. The residue of the letters referred to in the first specification of the second charge, marked 6, 7, 8, 9.

2d. The pamphlet referred to in the second specification, (No. 11,) with the letters transmitting the same to the Secretary of the Navy, (10,) the publication of the pamphlet being admitted, the accused submitted to the court his cross-interrogatories, accompanied by a protest. The judge advocate stated to the court that an assertion was contained in that protest, in the following words: "Having repeatedly called upon the judge advocate for some precise specification of the circumstances wherein the supposed guilt, implied by the accusation under the head of the second charge, consists;" that this assertion contains the first intimation he has ever received of such application. He wished, also, the opinion of the court, whether the protest should be transmitted to Mr. Monroe with the interrogatories. The court was cleared, and when it was opened, the opinion of the court was announced, that such protest was not proper to transmit to the witness, but that the same may be annexed to the record, which was accordingly done, and marked 12.

The reading of the pamphlet continued until half after three o'clock, when the court adjourned till ten o'clock to-morrow morning.

SATURDAY, *July* 23.

The court met pursuant to the adjournment of yesterday. Present: all the members of the court, the judge advocate and Captain Porter.

The proceedings of yesterday were read.

The judge advocate stated that the interrogatories and cross-interrogatories, submitted yesterday, had been put in the way of going to Mr. Monroe, without delay, accompanied by a letter urging his immediate reply, and pointing out the mode in which the deposition should be authenticated, which letter had been previously submitted to the accused and his counsel.

The reading of the pamphlet was continued and concluded.

The judge advocate then proceeded to point out the particulars in which the statement of the proceedings of the court of inquiry was deemed incorrect; and submitted a copy of the original record of the proceedings of the court of inquiry, which was compared with the original record in the presence of the court—annexed and marked No. 13. The judge advocate stated that he would particularly state such variance in writing.

The judge advocate then submitted to the court the National Journal, of June 16th, 1825, containing a publication which Captain Porter admitted to be his, under date of June 15th, 1825, annexed and marked No. 14.

The court then adjourned until ten o'clock on Monday morning.

MONDAY, *July* 25, 1825.

The court met pursuant to the adjournment of Saturday. Present: all the members of the court, the judge advocate, and Capt. Porter. The proceedings of Saturday were read. The judge advocate stated that he had received no answer from Mr. Monroe, but expected to have it in the course of the day. The judge advocate proceeded to read his note of all the variances which he had discovered between the original record and the proceedings of the court of inquiry as published by Capt. Porter, which was annexed and marked 15. A paper was read by the judge advocate, containing a statement of certain facts, agreed to by both sides, dispensing with the attendance of witnesses to establish them, which was also annexed and marked 16.

William W. Seaton, Esq., being duly sworn according to law, deposes and says:

Question. Are you one of the editors of the National Intelligencer?

Answer. Yes.

Ques. Is the paper now shown you, of March 30th, 1825, one of the numbers of that paper from your office?

Ans. Yes.

Ques. From whom were the official documents therein printed procured, purporting to be from the Secretary of the Navy to Commodore Porter, and from Commodore Porter to the Secretary of the Navy, being four in number?

Ans. The shortest and most acceptable way of answering the question will be to read a correspondence between the Secretary of the Navy and ourselves upon this subject, which will show what answer I am prepared and willing to give.

[The court was cleared, and decided that it would accede to the request of the witness, and hear the letters read to which he had referred, and being opened, this decision was announced.]

The letters referred to were then read, annexed, and marked 17, 18, and 19.

I am not willing for the reasons stated in the letters read, to give any other answer than that which we gave to the Secretary of the Navy. The president of the court having directed the court to be cleared, the accused by his counsel, stated that perhaps the difficulty might be obviated, and read and submitted to the court the following paper:

Captain Porter, having heard the evidence of Mr. Seaton, and the correspondence between Messrs. Gales and Seaton and the Secretary of the Navy, as to the author of the publication of a certain correspondence between the Secretary of the Navy and Captain Porter, in the National Intelligencer of the 30th March last, and perceiving that the witness, as editor of a public journal, has claimed a privilege, as well before this court, as in his correspondence with the Secretary of the Navy, to withhold the name of the author of any publication, not impeached of falsehood, and that the court is about to deliberate upon the objection of the witness to disclose the author of the publication in question; Captain Porter has no hesitation to admit now, as he would have avowed to the Secretary of the Navy, if he had pleased to have directed his inquiries to Captain Porter, instead of the printers, that he did communicate and caused to be published, in the Intelligencer of the 30th March last, the correspondence between himself and the Secretary of the Navy, which that paper purports to contain.

The judge advocate then submitted to the court the National Intelligencer, of March 30th, 1825, containing certain correspondence between the Secretary of the Navy and Captain Porter, annexed and marked 20.

Peter Force, a witness, being duly sworn according to law, deposes and says:

Question. Are you the editor of the National Journal?

Answer. Yes.

Ques. Look at a communication in your paper of June 16th, 1825. From whom did you receive that and when?

Ans. I received the note and the accompanying documents from Commodore Porter, on the day of the date of it, June 15th, 1825.

Ques. Did any, and what conversation take place between yourself and Commodore Porter, in relation to the letter dated June 14th, 1825?

Ans. (Commodore Porter having, on a suggestion of the witness, absolved him from all obligation of secrecy,) I read the letter in presence of Commodore Porter, and perceiving that, as I understood it, Commodore Porter attributed an anonymous communication which had appeared in the Journal of the 13th to the Secretary of the Navy, I informed Commodore Porter that it was not from the Secretary of the Navy, and also told him I was authorized by the author of the communication to inform him by whom it was written, when properly requested so to do. He replied by declining to hear by whom it was written. This took place on the 15th of June, when I received the communication, the day before it was published in the newspaper. At the same time, I mentioned to Commodore Porter that the anonymous communication was not by the Secretary of the Navy, he remarked, I think, the similarity of the language in the letter from him of the 13th June (one of those in that communication) with the anonymous note published in the Journal was sufficient to warrant the opinion he had formed.

Cross-examined on the part of the accused:

Question. When you remarked, in reference to my letter to the Secretary of the Navy of the 14th June, that I was mistaken in supposing that the Secretary was the author of the anonymous note referred

to, did I not point out to you the striking resemblance and correspondence between the date and the language of that note and the Secretary's letter of the 13th June?

Answer. I am under the impression that Commodore Porter referred to it, but cannot recollect whether he pointed it out.

Ques. Did you not express yourself as struck with these resemblances, in so much that if you had not known the real author of the anonymous note, you might have drawn the same conclusion?

Ans. No, I think I expressed no opinion of the kind; I think I observed there was a resemblance.

Ques. Did I not remark to you that, whether the Secretary did or did not actually write or communicate the anonymous note, circumstances justified me in concluding, at the time I wrote my letter of the 14th June, that the note had come from an official source, and had been approved or countenanced by him?

Ans. I think Commodore Porter did make such a remark in substance.

The judge advocate stated that he had now submitted to the court all the testimony which he proposed laying before it at the present state of the proceedings, with the exception of Mr. Monroe's deposition. Captain Porter intimated his readiness to proceed with the evidence on his part.

John Simpson, a witness, produced on behalf of the accused, deposes and says:

Question. (By the accused.) Were you employed by me, during the sitting of the late court of inquiry in my case, to copy, from the judge advocate's record, the proceedings of the court, for my use?

Answer. I was.

Ques. Were you furnished, by the judge advocate, with his minutes of the proceedings, for the purpose of being copied for me?

Ans. I was.

Ques. Were the copies which you did make of those minutes made carefully and accurately, and word for word with the original as it then stood, except the statement given in the first day's proceedings of what I said in answer to the question whether I had any objection to offer against either of the members of the court?

Ans. The copy I made was a true copy.

Ques. Were you present on the first day of the court, when I stated my objection, and did you take particular notice of my words, and accurately recollect them?

Ans. I do not now recollect them. I took particular notice, and recollected them for some days after.

Ques. Examine the two statements of the terms of my said objection. First, as it appears at page 5 of the copy of the original record now shown you; and, secondly, as corrected at page 22 of the same document; and say, according to the best of your recollection now, and when the subject was newer and fresher in your memory, which of these is the true statement of the terms in which I originally submitted that objection?

[The witness is here shown the copy of the original record, produced in evidence by the judge advocate on Saturday, and those passages of the same wherein the original minutes of Captain Porter's objection is entered, in the proceedings of Monday, May 2d, and corrected in those of the Thursday following, are designated, for the examination of the witness.]

Ans. I have a recollection of this. The last is the correct one.

Ques. Examine the nine sheets of paper now shown you, and say whether they be the original manuscript, in your own handwriting, of the copy which you took, as you have before stated, from the minutes furnished you by the judge advocate?

Ans. They are the original manuscript of my copy, and are an exact copy of the notes furnished me by the judge advocate. (They extend as far as the end of the first paragraph on page 27 of the pamphlet.)

Cross-examined by the judge advocate:

Question. Can you say that no error or omission was, by accident, made by you, in your copying?

Answer. I believe there was not any.

Ques. Was the copy compared with the original, and with whose assistance?

Ans. I read it over myself.

Ques. Look at page 23 of the pamphlet, and see whether the words "holds the highest commission which" were not omitted by you in copying?

Ans. I do not think I omitted anything in copying.

Ques. Look at the paper handed you, and see if it be the original paper from which you took that part of your copy?

[The judge advocate here exhibited to the witness his original note of this part of the proceedings of the court of inquiry.]

Ans. I cannot be positive.

Ques. Were the papers submitted to the court of inquiry by Capt. Porter, in your handwriting, exact copies of the original?

Ans. They were.

Ques. Did you copy the latter part of the paper marked B; I mean the copy from which the pamphlet was published?

Ans. I think I copied it; I am not certain.

Ques. Was the copy furnished Capt. Porter, of that paper, an exact transcript of the original?

Ans. Yes.

Ques. Did Captain Porter, to your knowledge, ever compare or assist in comparing your copy with the original from which it was taken?

Ans. No.

Ques. Do you know whether the original notes were read to the court of inquiry, as the record of its proceedings, or a fair transcript of the same?

Ans. I do not think the original notes were.

Ques. Do you know whether the record read, was ever rectified publicly, as, for instance, at the request of a witness.

Ans. I do not.

Ques. Was not a letter in your handwriting, transmitted to the court of inquiry, found to be dated March 6th, instead of May 6th, by your mistake?

Ans. Yes.

Ques. Have you any more confidence in the accuracy of the copies which you have now sworn to, than you had in that before the error was pointed out?

Ans. I have more confidence.

Ques. Did you conceive it possible that any inaccuracy had been committed on that occasion by you in copying that letter, before Captain Porter informed you of the mistake in date; and did you not request to see the paper in your own handwriting, before you would believe that it could have been made?

Ans. I did not know that I had committed the mistake until I saw it.

Re-examined by Captain Porter:

Question. Did I frequently enjoin upon you, whilst engaged in copying the minutes of the court of inquiry, to be very particular and accurate; and did you take particular pains to be so?

Answer. I did take particular pains to be so. Captain Porter saw I was very particular, and I do not know that he made any such request of me.

Ques. (By a member of the court.) Are you much in the habit of copying from MS.; and were the notes written in a fair, legible hand?

Ans. I have copied a good deal, and the notes from which I copied were fair and legible.

Ques. (Captain Porter.) Look at the sheet of paper now shown you, and say whether it be the same or like the handwriting of the minutes from which you copied?

Ans. I think all I copied was in that handwriting; some came after, which I did not copy, in a different hand.

It is admitted that the paper shown was in the handwriting of Mr. Harrison, in whose hand, also, the original part of the original record is.

Ques. Was your transcript of my letter, in which the mistake of the date occurred, as above mentioned, taken from my rough draught; and are my rough draughts generally written in a fair hand, or in a very hurried, rough way?

Ans. I do not recollect particularly; it was very easily read. I read Commodore Porter's rough draughts very easily I was Captain Porter's clerk about fifteen months.

The court adjourned till ten o'clock to-morrow morning.

TUESDAY, *July* 26.

The court met pursuant to adjournment of yesterday. Present: all the members of the court, the judge advocate, and Captain Porter. The proceedings of yesterday were read.

John T. Ritchie, a lieutenant in the navy of the United States, a witness produced on the part of the accused, being duly sworn according to law, and examined by Captain Porter, deposes and says:

Question. Examine the four sheets of paper now shown you, and say in whose handwriting the same are.

[The witness is here shown the manuscript copy from which was printed what is contained in the pamphlet given in evidence, under the second and third and fourth specifications of the second charge, from where the manuscript copy, proved by John Simpson yesterday, ended on page twenty-seven, to the end of the paragraph ending with the words "at 11 o'clock," on page thirty-two of the same pamphlet.]

Answer. The first three are in the handwriting of Mr. Sarazau; the last sheet is in the handwriting of Mrs. Simpson, wife of Mr. John Simpson, with the exception of a few words in the latter part of it, (*of which I have no knowledge;*)—the word *which*, in the fourth line from the bottom, and the word *being*, in the third line from the bottom; these words are in the handwriting of Captain Porter.

Ques. What was the character, and in whose handwriting was the original from which those sheets were copied?

Ans. They were part of the proceedings of the court of inquiry, and in the handwriting of the judge advocate.

Ques. Did you carefully and accurately compare these four sheets with such originals, and are they exact copies? Please state the manner in which you compared the copy and the originals, and whether you are certain of the accuracy of the copy.

Ans. I think I read them over, the first three sheets two several times. First I read the copy with another person, (my wife,) who was looking over the original, and afterwards read over the original, she having the copy. I discovered no error throughout. The last sheets I examined in the same manner, with Mrs. Simpson.

Ques. What has become of Mr. Sarazau; has he left this part of the country?

Ans. I believe he is in the city of Washington, but I have not seen him myself since soon after this thing occurred. Philadelphia is his home, and he may possibly have gone there.

Cross-examined on the part of the judge advocate:

Question. Do you know whether Captain Porter ever saw the original papers, from which the copy was taken?

Asswer. I do not.

Ques. Would you now recognize any one of these papers as such original?

Ans. I think not.

The judge advocate then read a sentence from what he stated to be the original minute, furnished after the proceedings of Monday, May 9th, and exhibited the paper to the witness.

Question. Can you not recollect this paper to have been the paper from which the proceedings of that day were copied, from the sealing wax dropped on it; and is the second paragraph in the one an exact copy of the other?

Answer. I cannot identify the paper; on a comparison there appears an entire line omitted.

Martin King, a witness produced on the part of the accused, being duly sworn according to law, and by him interrogated, deposes as follows:

Question. Were you at the time of the printing and publishing my pamphlet, (now shown you,) and are you still, foreman in the printing office of Davis & Force, where that pamphlet was printed?

[The witness is here shown the pamphlet formerly given in evidence by the judge advocate.]

Answer. I was then and am now.

Ques. Examine the thirteen sheets of paper, writing now shown you, and say whether they be the identical copy from which that pamphlet, or so much of it as is composed of that copy, was printed?

[The witness is here shown the same nine sheets of copy mentioned in the evidence of John Simpson, and the four sheets mentioned in the evidence of Lieutenant John T. Ritchie.]

Ans. I believe them to be the same.

Ques. Were the proof sheets of the pamphlet diligently and carefully compared with the copy, and every typographical error that was detected, carefully corrected; and was this comparison made both by the proof reader in the printing office, and by myself?

Ans. They were; I read them over twice, and Captain Porter read them over once.

Ques. (By the judge advocate.) Was all the copy from which that pamphlet was published, with the note-marks to the different documents therein contained, communicated by Captain Porter for the purpose of printing that pamphlet, and was he satisfied with its accuracy?

Ans. No complaints were made by him of any want of accuracy. I saw one or two noticed in the public prints, such as *clothes* for *colors*, and perhaps one or two others of the same kind.

The accused then submitted to the court a letter from R. S. Coxe, the judge advocate, dated May 21st, which was read, annexed to the record and marked 21.

The judge advocate stated t at he wished it to appear on the record to what application that letter was an answer, and that he was desirous of exhibiting before the court the same statement in regard to it which he had before submitted to Captain Porter, annexed and marked 22.

William W. Seaton, called by the accused. A question was proposed to Mr. Seaton on the part of Captain Porter. The judge advocate stated that he felt great reluctance to interpose any difficulty in the way of any investigation which the accused might deem it important to pursue; but that the question now stated, and the inquiry designed to be made, appeared to him so wholly foreign to the inquiry in which the court was engaged, that he felt it incumbent upon him to take the opinion of the court upon the subject. The object of the accused had been communicated to him, but he wished it to be submitted in writing to the court, to enable it to decide upon the point with accuracy. The reasons having been stated, the court was cleared, and after having maturely considered the same, the court is of opinion that the question be put; which decision was accordingly announced.

Mr. Seaton was then called.

Question. (By Capt. Porter.) Look upon the third paragraph of the third page of the National Intelligencer, under date of May 5th, 1825, in the words, "We are informed that we did not exactly understand, and of course did not accurately state, the ground on which the exception taken by Commodore Porter to the court of inquiry, now sitting in this city, was overruled by the Secretary of the Navy. The letter of the Secretary to the court stated that, as far as the Secretary could be called upon for an opinion on that question, Commodore Porter ought to have made his application to him at an earlier day, but that the opinion of the Department, as to the legality of the manner in which the court was composed, had been expressed in the very act which created and convened the court, and that nothing was discovered in the argument of Commodore Porter to change the opinion. The act of the Department was placed, therefore, on the ground of its legality, by the Secretary, and not on the ground of time in taking the exception, that circumstance being incidentally introduced into his letter. Our information was obtained in current conversation, and was inaccurate only from not being as fully stated as it might have been," and say by whose request that paragraph was published, and by whom it was communicated, in terms or in substance?

Answer. I cannot answer the question with propriety. If it be not absolutely essential for the purposes of justice, I should prefer, for the reasons stated yesterday, not to give any other answer. I have an additional reason in this case for declining, because the communication was expressly a private and confidential one.

The court was cleared to deliberate upon the course to be pursued.

Upon the opening of the court, it was announced that the court is of opinion that although, from a wish to afford every facility to the accused, in pursuing any investigation which he may deem important, it did permit the question proposed to be propounded, and would have permitted the witness to answer it, yet, when the court is called upon to determine whether it will exercise the power which the law confers of coercing the witness to answer, the question assumes a more serious aspect; and the court, after mature consideration, is of opinion that the question proposed is one which cannot in any material degree affect the case of the accused, and therefore will not compel the witness to reply to it.

The counsel for the accused then prepared and presented another question, which the judge advocate stated was liable to the same objection as before. The court was cleared to determine whether or not it should be propounded to the witness. The question is as follows:

Ques. Did the paragraph in question proceed directly or indirectly from the Secretary of the Navy; and what agency had he, if any, in preparing it for the press, and causing its publication?

After having deliberated upon the same, the court determined that the question should not be put.

The court adjourned till ten o'clock to-morrow morning.

WEDNESDAY, *July* 27, 1825.

The court met pursuant to the adjournment of yesterday. Present: all the members of the court, the judge advocate, and Captain Porter. The minutes of the proceedings of yesterday were read.

The counsel for the accused proposed reading a paper to the court; the president of the court announced to him that the opinion of the court yesterday was that all communications be submitted to it through the judge advocate.

The counsel declining to pursue that course, the court was cleared, and when it was opened it was announced that the court had decided that the following rule of practice be adopted:

The accused may submit his communications in writing to the court; the same shall then be publicly read by the judge advocate, the court reserving the right of admitting and receiving the papers, or any part thereof.

The counsel for the accused then submitted a petition to the court, calling upon the court to have the Secretary of the Navy summoned to attend as a witness, or that interrogatories be transmitted to

him, stating his reasons for the same. The judge advocate observed that the uniform practice had been, both in this case and others, for the accused to hand him the names of such witnesses as he wished to be officially summoned; that such request had been uniformly and promptly complied with. That no application had been made to him for such summons for the Secretary of the Navy; had it been, it should have been afforded the accused without hesitation; and if now made, should be granted at this time.

The court was cleared, and when it was opened it was announced that the paper will not be received, and the judge advocate is directed to return the same to the accused, which was accordingly done.

The judge advocate received a letter from Mr. Seaton, with a request that the same be laid before the court, which was accordingly done, annexed, and marked 22.

The counsel for the accused stated that he had nothing to submit to the court at this time.

Gustavus Harrison, a witness produced by the judge advocate, being duly sworn according to law, and by him examined, deposed as follows:

Question. Were you employed by me, during the sitting of the court of inquiry, in the case of Captain D. Porter, to copy the proceedings of the court from my minutes?

Answer. Yes.

Ques. Look at the original record now shown you, and say whether you copied the proceedings of the said court, excepting those of the last day.

Ans. It is all in my handwriting, with the exception of some corrections and the proceedings of the last day.

Ques. At what time were you furnished with the minutes from which you took the copy; when did you return me your copy, and when were those corrections made?

Ans. I generally received them about four or five o'clock in the afternoon, after the adjournment of the court; I copied them and returned them the next morning, before the meeting of the court; we then examined them, and the corrections were made.

Ques. From the time the copy was made by you until after those corrections were made, was it in the power of any one to have taken a copy from either of those papers, and do you believe any such copy was at any time taken?

Ans. I am positive that it was not.

The accused not being prepared to cross-examine the witness at this time, the court adjourned till ten o'clock to-morrow morning.

THURSDAY, *July* 28.

The court met pursuant to the adjournment of yesterday. Present: all the members of the court, the judge advocate, and Captain Porter. The minutes of the proceedings of yesterday were read.

Mr. Harrison, being again called by the accused, was by him interrogated as follows:

Question. Examine the several interlineations and erasures in the record proved by you yesterday as your transcript from the original minutes of the judge advocate, at pages 7, 8, 21, 25, 26, 31, 32, 38, 40, the adjournment at page 38, and the note at the bottom of the page 41, and say by whom they appear to have been made?

Answer. The interlineations appear to be in the handwriting of Mr. Coxe; I cannot say whether the erasures were made by him or by myself; the adjournment at p. 38 is in my own handwriting; the note at p. 41, is in the handwriting of Mr. Coxe, the 7 in page 41 is, I believe, Mr. Coxe's.

Ques. Can you recollect, with certainty, whether the original minutes, when given to you to copy, had in them the words and passages which now appear interlined, erased and added, at the pages above mentioned of the said transcript?

Ans. I do not know that I can with certainty.

Ques. From your recollection of the general accuracy or inaccuracy of your transcript, as originally made, can you say that you made the mistakes which these alterations, now appearing on the face of the transcript, indicate?

Ans. I cannot say that I made all of them; I know that I made a considerable number.

Ques. Refer more particularly to the interlineation at p. 7, and the note at the bottom of p. 41, and say whether you have any recollection of having made those mistakes?

Ans. I cannot say whether or not it was my omission.

Ques. When did you first see that part of the record, giving the last day's proceedings, stated as in the handwriting of the judge advocate; and do you know anything of the penciled interlineation in the second paragraph of the same?

Ans. I do not recollect seeing that part of the proceedings, until it was shown me yesterday, and I know nothing of that interlineation; all that I recollect is that when I called, as usual, for the proceedings of that day, I was informed, by Mr. Coxe, that it was copied by him for the purpose of being transmitted to the Department, or words to that effect; I do not think I saw the proceedings of that day, at all, until I saw it yesterday.

Questioned by the judge advocate:

Question. Have you any recollection of my making, on one or more occasions, so many corrections in your transcript that you proposed taking it back with you to make a fair copy, and what passed on that occasion?

Answer. I do recollect there were so many corrections in one day's work, as to induce me to ask to re-copy it. Your reply was, that there was not then time; that you had to carry them out with you to the court, to read them as the proceedings of the court.

On the part of the accused:

Ques. Did you ever make more than one copy of the record?

Ans. I have no recollection that I ever did; I think I may have made other copies of papers exhibited by Commodore Porter, but I think I never did for the record.

Ques. Look at the sheet now shown you, and say if it be in your handwriting; at what time you copied; whether before or after you made the transcript for the judge advocate; and from what paper—the original or your transcript—did you copy it?

[The witness is here shown a loose sheet, purporting to be a copy of so much of the record as begins

with the words "the room was cleared," on page 21, and ends with the words "10 o'clock to-morrow morning," on page 24.]

Ans. The paper is in my handwriting, and I have a perfect recollection of the circumstances under which I copied it. When I gave the answer I did just now, I thought the paper I had made two copies of was an original paper submitted by Commodore Porter; I now find it was an answer to one of his papers; I copied this before copying the record from the minutes of the judge advocate, for the use, as I understood, of Commodore Porter, by the direction of Mr. Coxe, and it was, I believe, the only paper I copied in his office.

The judge advocate stated then that if there was nothing further ready on the part of the accused, he should now offer the deposition of Mr. Monroe, in answer to the interrogatories heretofore sent to him.

The accused desiring to see the papers which it was proposed to submit to the court, the same were handed to him by the judge advocate, and after being perused, were returned.

They were accordingly (no objection having been made,) read, and submitted to the court, as follows:

1. The letter from Mr. Monroe to the judge advocate, dated July 25th, 1825. (23.)
2. The interrogatories, cross interrogatories, and answers thereto, sworn to before Mr. J. Bailey, a magistrate in Loudon county, Virginia, July 25th, 1825, marked (24,) (25.)
3. The copy of a note from Captain Porter to Mr. Monroe, dated May 10th, 1825. (26.)
4. Copy of Mr. Monroe's answer, dated March 12th, 1825. (27.)
5. Captain Porter's reply dated March 12th, 1825. (28.)
6. Certified copy of a letter from the Secretary of the Navy, dated 21st October, 1824, to Commodore Porter. (29.)

It was also agreed that the documents annexed to the original record, as given in evidence before the court of inquiry, and endorsed and numbered by Commodore Chauncey, the president of said court.

The court adjourned till ten o'clock to-morrow morning.

FRIDAY, *July* 29, 1825.

The court met pursuant to the adjournment of yesterday. Present: all the members of the court, (excepting Captain Biddle,) the judge advocate and Captain Porter.

Captain Spence stated that Captain Biddle was prevented by sickness from attending to-day.

The minutes of the proceedings of yesterday were read. Capt. Porter stated to the court that Mr. Jones (his counsel) was engaged in the necessary arrangements and business of this case, and that he had nothing at this time to lay before the court; whereupon,

The court adjourned till ten o'clock to-morrow morning.

SATURDAY, *July* 30, 1825.

The court met pursuant to the adjournment of yesterday. Present: all the members of the court, (excepting Captain Biddle,) the judge advocate, and Captain Porter.

The president announced to the court that, although Captain Biddle was much better than he was yesterday, he still continued too much indisposed to resume his seat.

The judge advocate then submitted and read to the court the following documents; some of which were presented at the request of Captain Porter, the residue by the judge advocate, to complete the chain of the correspondence:

1st. Copy of letter from Smith Thompson, Secretary of the Navy, to Commodore Porter, dated Navy Department, August 19, 1823. (30.)

2d. Copy of letter from Samuel L. Southard, Secretary of the Navy, to Commodore Porter, dated Navy Department, September 29, 1823. (31.)

3d. Extract of a letter from the Secretary of the Navy, dated September 30, 1823. (32.)

4th. Copy of letter from I. Chauncey, acting Secretary of Navy, to Commodore Porter, dated Navy Department, October 28, 1823. (33.)

5th. Extract of letter from Commodore Porter to the Secretary of the Navy, dated November 19, 1823. (34.)

6th. Extract of instructions from Secretary of the Navy to Commodore Porter, dated December, 1823. (35.)

7th. Copy of letter from Samuel L. Southard, Secretary of the Navy, to Commodore Porter, dated Navy Department, May 17, 1824. (36.)

8th. Copy of letter from D. Porter to Secretary of the Navy, dated Sea Gull, Matanzas, May 28, 1824. (37.)

9th. Copy of letter from Samuel L. Southard, Secretary of the Navy, to Commodore Porter, dated Navy Department, May 31, 1824. (38.)

10th. Copy of letter from Commodore D. Porter to Secretary of the Navy, dated Washington, June 25, 1824. (39.)

11th. Copy of letter from Charles Hay, for Secretary of the Navy, to Commodore Porter, dated Navy Department, June 29, 1824. (40.)

12th. Copy of letter from Commodore Porter to the Secretary of the Navy, dated Washington, August 11, 1824. (41.)

13th. Extract of a letter from Charles Hay, (handed in by Commodore Porter,) to Commodore Porter, dated Georgetown, D. C., September 11, 1824. (42.)

14th. Copy of letter from Samuel L. Southard, Secretary of the Navy, to Commodore Porter, dated Navy Department, October 14, 1824. (43.)

It was also agreed that the official reports of Lieutenant Sloat, and the accompanying documents and correspondence printed in the pamphlet, from page 100 to the end of that publication, be submitted to the court as if given in evidence on this trial.

It is also agreed that the following note, published in the National Journal of June 14, 1825, being the anonymous publication or note referred to in Captain Porter's letter to the Secretary of the Navy, of June 14, 1825, and in the testimony of Peter Force, and which, it is admitted, was communicated to the editor of the said National Journal by R. S. Coxe, Esq., judge advocate of the court of inquiry therein mentioned, with the authority to communicate his name as the author of it, when applied to for that purpose, be annexed to the record as evidence in this case:

To the editor of the National Journal:

It appears necessary to apprise the public that the recent publication of Commodore Porter, on the subject of the proceedings of the court of inquiry in relation to the affair at Foxardo, presents so inaccurate and imperfect a view of that matter that it will, in due time, receive proper attention. The record of the court, and statement of the facts transmitted to the Executive, not having yet been made public, and it being understood that the business has not been t rminated, furnish sufficient reasons for postponing to a more suitable period the rectification of the errors and the supplying the deficiencies which exist in the pamphlet referred to.

JUNE 13, 1825.

The reading of the documents having been completed, the court adjourned until two o'clock on Monday.

MONDAY, *August* 1, 1825.

The court met pursuant to the adjournment of Saturday. Present: all the members of the court, the judge advocate, and Captain Porter. The minutes of the proceedings of Saturday were read.

Captain Porter stated that his counsel, not having yet completed the defence which he purposed to submit to the court, requested the further indulgence of the court until to-morrow at 12 o'clock, by which time he would endeavor to be prepared.

The judge advocate then read and submitted to the court certa'n documents from the Navy Department.

1st. Copy of a letter from Commodore Porter to Secretary of Navy, dated Washington, October 12, 1824. (44.)

2d. Copy of a letter from same to the same, dated Washington, Oct. 19th, 1824. (45.)

Captain Porter then objected to the reading of these letters, or more of this kind, on the ground that they had no relation to or connection with the charges or specifications; that he was prepared to meet any other charge which either now, or at any future time, might be preferred for any part of his conduct, but that he was now without his counsel, and must of himself, object to the production of this testimony.

The judge advocate remarked, that the letters were offered as the answers to letters read on Saturday; or, as letters to which some of those were answers; that a part of the correspondence having been read, it seemed proper to submit the residue of it.

The court being cleared, proceeded to deliberate upon the question, and after some time it was opened, when the resolution of the court was announced, that the papers should be read, but that the court would adjourn until to-morrow, that the counsel for the accused might be present at the reading of the same. The court adjourned till ten o'clock to-morrow morning.

TUESDAY, *August* 2, 1825.

The court met pursuant to the adjournment of yesterday. Present: all the members of the court (excepting Captain Tingey,) the judge advocate and Captain Porter. Captain Tingey transmitted an order from the Secretary of the Navy, which occasioned his temporary absence.

The proceedings of yesterday were read.

Captain Porter, by his counsel, then submitted some objections to the letters which it was proposed to read, and the court was cleared to deliberate on the same.

After the court was cleared, Captain Tingey appeared, and resumed his seat; on the opening of the court, the following proceedings were announced:

The judge advocate stated to the court that the papers which he had proposed to submit appeared to him to be intimately connected with what were read on Saturday, and equally relevant to the case with them: but that he was not particularly desirous to press the evidence before the court. The court having maturely considered the same, is of opinion that much, if not all, of the evidence submitted by the accused on Saturday is wholly irrelevant to the subject matter before it; but, it being submitted by him, and not objected to by the judge advocate, it was received without hesitation: as, however, it is the opinion of the court that it is irrelevant, it is not deemed necessary or proper to pursue that part of the investigation further; and, as it is not objected to by the judge advocate, and appears to be the desire of the accused, the court will not receive or annex to the record any of the five papers to which the objection extends.

The counsel for the accused then submitted to the court sundry documents of an official nature. The court having been cleared to deliberate upon the papers submitted, and having considered the same, is of opinion that the evidence is not admissible before the court, being wholly irrelevant to the charges and specifications. The counsel for the accused having been understood to intimate that the object intended by offering the document was to illustrate the construction which the government had given to the instructions from the Department, the court conceiving this to constitute an insufficient reason for admitting the same as evidence in the cause, it has therefore decided not to receive the testimony offered. It is not, however, designed to preclude the accused from resorting to any documents of a public and official kind, which he may conceive to furnish him with sources of argument, in his defence.

The court being opened, the foregoing proceedings were announced.

The counsel for the accused having stated that he had no other testimony to submit, the evidence was considered as closed. He was then asked when he should be prepared with the defence; he replied by stating that he might possibly be prepared by Thursday, but could not promise positively to have it ready before Friday.

The court then adjourned till to-morrow, at 10 o'clock.

WEDNESDAY, *August* 3, 1825.

The court met pursuant to the adjournment of yesterday. Present: all the members of the court, (excepting Captain Ridgley,) the judge advocate, and Captain Porter.

The minutes of the proceedings of yesterday were read.

Captain Ridgley was prevented by indisposition from attending the sitting of the court to-day. The court adjourned till ten o'clock to-morrow morning.

THURSDAY, *August* 4, 1825.

The court met pursuant to the adjournment of yesterday. Present: all the members of the court, the judge advocate, and Captain Porter. The minutes of the proceedings of yesterday were read.

Captain Porter having intimated that his counsel would be prepared by eleven o'clock to-morrow, the court adjourned till that hour.

FRIDAY, *August* 5, 1825.

The court met pursuant to the adjournment of yesterday. Present: all the members of the court, the judge advocate, and Captain Porter. The minutes of the proceedings of yesterday were read. The counsel for the accused, having obtained permission of the court, proceeded to deliver the defence. Before concluding it, at his request, the court adjourned till to-morrow morning, at eleven o'clock.

SATURDAY, *August* 6.

The court met pursuant to the adjournment of yesterday. Present: all the members of the court, the judge advocate, and Captain Porter. The minutes of the proceedings of yesterday were read. The delivery of the defence was resumed, and when it was concluded, the counsel having undertaken to hand in the defence on Monday morning, that the same might be annexed to the record, the court adjourned till Monday morning at 10 o'clock.

MONDAY, *August* 8.

The court met pursuant to the adjournment of Saturday. Present: all the members of the court, and the judge advocate. The minutes of the proceedings of Saturday were read.

It was announced to the court that the defence was not ready to be submitted to the court to-day, but that it should be ready by to-morrow. It was determined by the court to go on with the business before it with closed doors. The room was accordingly cleared, and the proceedings of the court were read over. The reading continued until after three o'clock, when the court adjourned till 10 o'clock to-morrow morning.

TUESDAY, *August* 9.

The court met pursuant to the adjournment of yesterday. Present: all the members of the court and the judge advocate. The room being cleared, the residue of the proceedings was read.

The defence not having been transmitted, the court came to the following resolution:

Resolved by the court, That this court has felt and exhibited a disposition during the progress of this trial to allow every indulgence to the accused which the most cautious regard to his feelings and wishes could dictate: that with this disposition, delays, and a course of practice, have been submitted to, in which the court has reluctantly acquiesced: that arguments, instead of being prepared, when offered to the court, in such a state as to be annexed to the record, have, after an ample allowance of time, been delivered orally, and an equal length of time afterwards consumed in committing the same to writing. That in regard to the defence, after having waited for an unusual length of time, it was in fact delivered to the court orally, and as a written document it has not been presented to the court this the third day after its public delivery; the court feels constrained to notice this conduct, which it cannot pass over without an expression of its disapprobation, and has determined that, unless the paper is ready by the meeting of the court to-morrow, the court will proceed to judgment without it. And it is requested of the judge advocate that a copy of the foregoing resolution be transmitted to the accused this afternoon.

At three o'clock the court adjourned till ten o'clock to-morrow morning.

WEDNESDAY, *August* 10.

The court met pursuant to the adjournment of yesterday. Present: all the members of the court and the judge advocate. The minutes of the proceedings of yesterday were read.

The judge advocate stated that, in compliance with the wishes of the court, he had left a letter directed to Captain Porter, containing a copy of the foregoing resolutions, with the counsel of the accused yesterday, on his return from the court.

The defence not having been transmitted, the court proceeded to deliberate upon the charges, specifications, the evidence that had been submitted, and what had been alleged in behalf of the accused; and during the deliberation, the defence upon the first charge was communicated to the court, annexed, and marked P.

After having carefully and maturely weighed and deliberated upon the matter, the court is of opinion that the specification of the first charge is fully proved, and does adjudge the accused GUILTY of the first charge.

The court is also of opinion that the first specification of the second charge is proved in part; that it is fully proved so far as regards the letter to the President, of the seventeenth day of April, 1825, and the letters to the Secretary of the Navy, of the thirtieth day of January, the thirteenth day of April, and the fourteenth day of June, 1825—each of which the court conceives to be of the character attributed to them in the said specification; but it does not consider the letter of the sixteenth day of March as liable to the same censure; and, therefore, so far as regards this last-mentioned letter, the court is of opinion that this specification is not proved. The court is also of opinion that the second, third, fourth, and fifth specifications of the second charge are fully proved. The court is of opinion that the second charge is fully proved, and does accordingly adjudge the accused GUILTY of the same.

In deciding upon the first charge, and the specifications under it, the court, however, feels itself called upon to ascribe the conduct of the accused, which is deemed censurable, to an anxious disposition on his part to maintain the honor and advance the interests of the nation and the service.

The court also thinks it proper to state that, in deciding that the third specification is proved, it is of the opinion that, so far as respects the inaccuracies pointed out by the judge advocate in the paper annexed to the record and marked No. 15, this specification is fully proved, but the court sees no reason to believe that the errors and inaccuracies therein indicated were the result of design or of improper motive; that, with the exception of such errors as have been particularly noted, the publication by the accused of the proceedings of the court of inquiry appears to be a correct transcript of the record.

In forming its opinion upon the fourth specification, the court is satisfied that the same is fully proved in the following particulars:

In the advertisement "by the conduct of the court, to which the subject was referred for investigation, I was driven from its presence, and prevented from making the explanations on which I founded my justification."

In the *remarks*, page 24, "I could not consent to defend myself before the court against any charge whatever, until its legality had been decided by competent authority—until I could appear before it on terms of perfect equality with my accusers—until I could be allowed to protect myself in the way which might appear to me most proper; without submitting my defence to the inspection of the judge advocate, who had no right to decide in my case; or to the control of the court, who would thereby have exercised a power not founded in law or justice; and without the risk of undeserved reproof."

In page 25: "But it was the duty of the court to decide whether it was or was not competent; the decision, as to its belief on the subject, *on oath*, was all that was required by me, and the question could have been decided by the court as readily, and as well *before* as it was *after* the *instructions* of the Secretary had been received; that it did not decide in the *first* instance, is sufficient evidence that doubts *then* existed as to its legality."

"Under all circumstances, then, I had nothing to lose or apprehend by my withdrawal from the court, and I certainly saved a very useless sacrifice of my feelings, as (except in its deportment towards me, while before it) it could do me neither good or harm. A court more powerless, and yet more calculated to alarm the accused, was perhaps never formed."

"The charge first to be investigated was exhibited against me by the Secretary of the Navy; the Secretary of the Navy selected my judges, two of whom were junior to me. The judge advocate, who is the *primum mobile* of all military courts, received his appointment from the Secretary, and is his warm friend and *protégé*. Under these circumstances, it may readily be imagined I had everything to apprehend, and nothing to hope for while before the court; and to defend myself under the conditions imposed on me, would have been worse than useless."

In the remarks in page 31, it appears to the court to be implied that all the documents, upon which the court of inquiry founded its opinion, were contained in the pamphlet, which was not the fact.

The court also includes, as proof of this specification, the second paragraph of the paper marked E, in page 40 of the pamphlet.

The court does therefore sentence and adjudge the said Captain David Porter to be suspended for the term of six months, from the date hereof.

Having come to the aforesaid determination, and the residue of the defence not having been transmitted, the court, for the purpose of enabling the judge advocate to prepare in due form, and record the said findings, and it being after four o'clock, adjourned till eleven o'clock to-morrow morning.

THURSDAY, *August* 11, 1825.

The court met pursuant to the adjournment of yesterday. Present: all the members of the court and the judge advocate. The proceedings of yesterday having been read, the court proceeded to sign this, the record of its proceedings, the finding and sentence.

JAMES BARRON, *President.*
THOS. TINGEY.
JAMES BIDDLE.
CH. G. RIDGELY.
ROBT. TRAILE SPENCE.
J. W. DOWNES.
J. D. HENLEY.
J. D. ELLIOTT.
JAMES RENSHAW.
THOS. BROWN.
CHS. C. B. THOMPSON.
ALEX. S. WADSWORTH.
GEO. W. RODGERS.

RICHARD S. COXE, *Judge Advocate.*

THURSDAY, *August* 11.

The record of the proceedings in the case of Captain David Porter having been signed and transmitted to the Department, the court, by virtue of an order for that purpose from the Secretary of the Navy, directed to the president, and hereunto annexed and marked A, adjourned to meet to-morrow morning at ten o'clock, at the building on First street east, and the corner of Maryland avenue, formerly occupied by the Congress of the United States.

FRIDAY, *August* 12.

The court met pursuant to the adjournment of yesterday. Present: all the members of the court and the judge advocate. The judge advocate read and submitted to the court a letter from the Secretary of the Navy, which was annexed and marked B, and the record of the proceedings as transmitted yesterday to the Department, with the paper referred to as a continuance of the defence of Captain Porter.

The paper having been read, on motion of a member, the court determined that it will adjourn until ten o'clock to-morrow, and that Captain Porter be informed that the court will receive the residue of the defence at that hour.

The court adjourned until to-morrow at ten o'clock.

SATURDAY, *August* 13.

The court met pursuant to adjournment of yesterday. Present: all the members of the court, and the judge advocate. The proceedings of yesterday were read. The residue of the defence was received at near twelve o'clock, and the court proceeded to read the same.

After completing the reading of the document, the following motion was made and adopted:

The judge advocate having stated that he had received from the accused certain papers, purporting to be the residue of his defence, the same were read and considered. The court is decidedly of opinion that these papers vary in many respects from the defence which was delivered on behalf of the accused, by his counsel: that, in particular, the severity of animadversion upon the conduct of the judge advocate, which appears in these papers, did not appear in the defence that was delivered, and the court deems it due to itself to state that the conduct of the judge advocate during the trial was, in its opinion, free from the censure imputed to it.

As, however, the court is not in possession of the defence, which, in violation of its rule and of precedent, was delivered orally, and from notes under the appearance of reading it, the court has annexed this document to its proceedings, with this further observation, that nothing is perceived in it which can in the least vary the conclusion to which the court had arrived.

JAMES BARRON, *President.*

RICHARD S. COXE, *Judge Advocate.*

The court adjourned till ten o'clock on Monday morning.

Approved.

JOHN QUINCY ADAMS.

AUGUST 17, 1825.

Notes of the principal heads of argument and authority, in support of the objections taken by the counsel of Commodore Porter to the second charge and specification of the same.

The counsel is well aware how much out of place, before a court-martial, are the nice and abstruse subtilties, and the merely technical rules, peculiar to some branches of practice in the courts of common law. He will, therefore, implicitly follow the advice of a learned civilian, (who has made military jurisprudence, and the analagous principles and practice of municipal jurisprudence, as administered in courts of civil and criminal judicature, the subject of an elaborate, practical, and useful essay,) and who very prudently and properly recommends to counsel, engaged in the conduct of a defence before a court-martial, to avoid every topic calculated to perplex and embarrass the judgment of gentlemen not professionally conversant with the law, by "forcing the discordant and unsuitable axioms and rules of civil courts upon a 'military tribunal.'" Accordingly, no "*rules or axioms of the civil courts*" are adverted to, upon this occasion, but such as have been distinctly invoked to the practice of "military tribunals;" or such as, being founded in the immutable principles of right and justice, are necessarily common to both, and cannot be dispensed with by either without consigning the subjects of its jurisdiction to an unqualified tyranny. The truth is, there is no essential difference, either in the form of procedure, or in the principles, by which both are guided in the administration of *criminal* justice. The course of proceedings at British courts-martial is said to assimilate more nearly to trials for *high treason* in the courts of common law; because prisoners, tried for that crime, have greater privileges allowed them by statute than what are allowed in criminal prosecutions for other offences.*

All the forms of procedure of the civil courts, in the department of *criminal judicature*, are simple and concise: they are clear of the technical subtilties and of the nice and artificial distinctions which have resulted from the abstruse and complicated rules of property, and the perplexed dialectics of special pleading: they are the result of great sagacity, long experience, and a practical insight of human affairs; exerted in the compilation of a system of rules, necessary to the protection of property, life and reputation against the irregular, capricious and vindictive action of power. 'Tis beyond the reach of human sagacity to institute or digest any system which is to act with infallible and undeviating truth and accuracy in all the diversified occasions of practice; consequently, in some particular instances, the forms with which human rights are fenced in and guarded, may rather inconveniently fetter and retard the march of substantial justice: these forms are nevertheless wholesome and necessary; and 'tis better to endure some partial inconveniences than encroach upon the conspicuous and well-defined land-marks, intended as impassable barriers against the oppressions of the mighty upon the weak. And of all the modes in which might can demonstrate its cupidity or its wrath, to the danger of individual security and justice, and against which every free community is the most provident and circumspect in devising, and most tenacious in maintaining wholesome checks and restraints,—is that of high-seated power, bearing down upon its victim with all the weight and circumstance of official splendor and influence, in a state prosecution. A vulgar error has sometimes prevailed, to the great disparagement of the military character, that a military establishment must necessarily be composed of men who have voluntarily surrendered all the essential rights of citizens, and who have abandoned everything sacred and dear in life and honor, to the uncontrolled will and unregulated power of the government. Against such an absurdity it would be superfluous to contend, before an intelligent and experienced tribunal, composed, as is the present, of gentlemen who have been disciplined in the rights and duties, alike of civil and of military life: as every man, aspiring to wield the arms of an enlightened republic, must be, or sink into the pernicious and degraded instrument of usurpation and despotism.

Then it is one of the fundamental and uncompromising maxims, as well of martial, as of every other human law, that it should define, beforehand, and with precision, the offences which it punishes; the only alternative is to leave it to the absolute discretion of every successive court-martial to determine, without any fixed rule or guide, upon each particular accusation, whether the act charged be one which the law either designed or ought to have punished. This alternative is universally held to be the very essence of tyranny; and utterly incompatible with any sound principle, by which either military discipline and police are maintained, or the forms of civil government instituted. Wholesome restrains of the ceaseless tendency of power to excess, and to irregular exertions of its force, and well defined rules by which individuals may certainly know what actions are either enjoined or forbidden, are just as necessary to the conservation of the military as of the social virtues. Once beat down the barriers by which the essential rights of the soldier are protected against the invasion of vindictive or capricious power, and

* McArthur, (4th edition, London,) b. 1, ch. 12, s. 1, p. 282.

every tie of subordination, but that of brute force, is dissolved. The generosity of soul that ennobles valor, and gives all its moral elevation and dignity to the military spirit, is extinguished; his rapid degeneracy renders him no longer formidable to any but to the state which has degraded and debased him. No government, whose institutions bear the remotest affinity to our own, has ever acted upon the notion that persons in military capacities were to have their relative rights and privileges defined, or guarded by any less fixed, certain, known and precise laws and rules of conduct than their fellow citizens in civil capacities; or that criminal justice was to be administered, in military courts, with any less regard to the fundamental principles of legal justice than in other courts of judicature. The rights and privileges of the janissary are just as well defined in theory, and respected in practice, as those of any other of the sujects of Turkey; where all are equally exposed to the arbitrary caprices of a power which is despotic, only because it is of indefinite extent, and vague and uncertain in its limitations and in its rules of action. These same janissaries, at once the instruments and the terror of the despotism they uphold, are but the type of what every military establishment must become, when placed out of the pale of the general law, by which the relative rights and duties of individuals are defined, and which determines, by fixed, known and precise rules, the offences which may draw down the penalties of vindictive justice.

Accordingly, all the regular governments of modern times, which have made much progress in civilization and improvement, have been at great pains to digest codes for their fleets and armies, by which all military crimes and punishments have been enumerated and defined with more or less precision.

Indeed, so manifest is the expediency and indispensable the justice of extending to military men and to military tribunals all those essentials, and generally received principles and forms of judicial justice, which are supposed to constitute the sanctions of property, life and reputation to the citizens at large, that the practice is said to prevail, in many of the foreign services on the continent of Europe, of extending to soldiers the privilege of being tried by their peers; for which purpose some of the same rank with the prisoner, from officers of the highest rank to privates, are admitted as members of courts-martial. This practice has, it seems, been recommended, but successfully opposed, in the British service.*

In Britain it has been for a century and a half the subject of anxious and minute legislation, in successive parliaments, which has resulted in a compilation of criminal law, for their fleets and armies, as elaborate, and perhaps, more systematic and complete, in its kind, than any they have hitherto framed for the community at large. The British articles of war, both military and naval, have been respectively adopted by Congress, with such modifications as were thought necessary to fit them to the peculiar organization of our own establishments; and it must, in candor, be confessed, that our alterations of the British system have not been uniformly for the better, but, in one or two particular instances, presently to be remarked upon, decidedly for the worse.

Of the forty-two articles adopted by the act of Congress for the government of the navy, thirty (from the 3d to the 32d inclusive) constitute what may be called the criminal code of the navy; in which all the offences cognizable by a naval court-martial are enumerated and defined; the appropriate punishments for each kind and degree of offence prescribed; a tribunal for the trial of them constituted, and a few of the most essential and indispensable forms of procedure laid down.

Then the first and radical question in every prosecution before a court-martial is, whether the matter of the accusation be cognizable by the court as constituting any offence enumerated and defined in the given code of criminal law: there the offence is to be found, or nowhere: by that authority it is to be punished, or by none.

In Britain, it is said that the "crimes cognizable by courts-martial are pointed out by the mutiny act and articles of war; which every military man is or ought to be acquainted with:"† and again, that "martial law is laid down in so plain and simple a manner, that every military man is or ought to be acquainted with what are thereby deemed crimes."‡ It is further said not to be necessary to refer, in the charge, to the particular articles of war supposed to be violated; because "the *specification* of the criminal act is sufficient intimation to the prisoner;" who may "always dispute its *relevancy*, and call upon the prosecution to show in *what respect* it falls under the *prohibitions of that law*."§

A favorite idea has prevailed among military men, and with some military tribunals, that a court-martial is not only a solemn tribunal of criminal judicature, but also a court of honor: privileged to erect a sort of censorial power over the minor morals of the members of the profession; and, as such, to take cognizance of certain immoralities and indecorums, or of certain departures from the more delicate and refined points of honor, indispensable to the character and conduct of an accomplished officer and gentleman; but not prohibited or condemned by any positive law. This idea, to a certain extent, is not without some support from reason, authority and practice; but, to the extent here stated, is certainly erroneous, and contrary to the best established principles and precedents. It is true to any extent, only because the military code has, by positive enactment, extended the *judicial cognizance* of its courts to more minute transgressions of private morals than are cognizable in other courts: not that the military any more than the civil courts have any authority to try or to punish any act, not expressly constituted an offence, punishable under the military code. For instance, the British articles of war, both naval and military, make "*scandalous, infamous* behavior, such as is unbecoming the *character* of an officer and a gentleman," an offence punishable by dismission from the service:‖ and this article has undergone a version, in its adoption into our military code, extremely disadvantageous to its precision, and in short, to every commendable quality of a penal law: for there it is stripped of all the aggravations by which the offence is characterized in the British articles; as "behaving in a *scandalous, infamous, cruel, oppressive* or *fraudulent* manner, unbecoming the *character*," &c., and marks out for reprobation, and for the same sort and degree of punishment, as the British articles, conduct simply characterized as "unbecoming an officer and a gentleman;"¶ without specifying how or to what degree it is unbecoming to him; or whether to his moral or his professional character; or to his person or his manners. This article in neither

* Adye, ch. 2, page 43–4.
† Adye, (7th ed., Lond.,) p. 1, ch. 2, p. 62.
‡ Id., p. 2, ch. 5, p. 225.
§ Tytler, (3d ed., Lond.,) ch. 5, s. 1, p. 216–7.
‖ Tytler, p. 212; McArthur, App. No. 1, art. 33, p. 335.
¶ Vide Rules and Articles for the government of the armies of the U. S., art. 83; Macomb, pages 63, 241.

of its forms is to be found among our naval articles of war; but there is among the latter one corresponding to the second of the British naval articles; which, after enumerating "oppression, cruelty, fraud, profane swearing, and drunkenness," concludes with "other *scandalous conduct*, tending to the destruction of *good morals*."*

Now here, it must be confessed, is ample scope for the exercise of a *sound discretion* in deciding, in one case, what acts are *scandalous, infamous*, &c.,—in another, what are "unbecoming an officer and gentleman;—in another, what immoralities, under the denomination of "other scandalous conduct," are equivalent, in turpitude, to the immediately preceding enumeration of "oppression, cruelty, fraud, &c.;" still it is nothing more than a *sound* discretion, acting under the authority and by the express mandate of the law—not an unlimited direction to legislate new offences into existence. When the nature and degree of the offence are once ascertained by the application of that sound discretion to the facts of the case, and these facts are found to bring the case within the operation of the law,—it is then an offence as emphatically embraced within the purview of the law, and as positively prohibited, as if it had been therein designated by name, or by the most specific description. After all, it is nothing more, in principle, than the ordinary discretion of every court of law to construe, interpret or expound the obscure, perplexed, and doubtful terms of general statutes. There is also vested in courts-martial an extensive discretion, as to the sort and degree of *punishment* to be inflicted for various transgressions. So every criminal court has more or less discretion to inflict *optional* punishments; and we see them, every day, deliberating on a fine from one cent to any indefinite amount; or imprisonment from one hour to seven years, or no imprisonment at all.

In short, the exercise of this *sound legal* discretion, by whatever court, civil or military, and to whatever degree, is nothing more or less than the judicial exposition, or the judicial execution of a positive law; and leaves the conclusion untouched, that no offence is cognizable by a court-martial but what is prohibited and punished by some article of the military code, under the authority of which the court acts; and consequently, that every accusation or charge must set out in *terms* an offence so prohibited and punished, or be excluded from the cognizance and jurisdiction of the court.

The defect of power in a court-martial to erect itself into a court of honor, and, as such, to assume censorial jurisdiction over such breaches of good manners, or good morals, or of decorum and gentlemanly demeanor, as are not made positively unlawful by the articles of war, or some statute, is strongly illustrated by the case of a British officer, tried at the Cape of Good Hope, under a charge of "*scandalous*, infamous conduct, unbecoming the character of an officer and a gentleman;" in support of which, it was proved that, after making a *present* of a horse to a general officer, he sent in a charge of £600 for the same horse. Upon which the court acquitted him of the graver part of the charge, "*scandalous, infamous* behavior;" but found him guilty of mean, dishonorable, and ungentlemanly conduct, for which they sentenced him to six months' suspension, &c. Yet, upon an appeal to the King in council, it was solemnly decided that the court had no jurisdiction over this inferior immorality of mean, shabby conduct; but that, having acquitted him of the *legal* part of the charge, he stood acquitted altogether.†

The point may now be taken, as clearly established, that a court-martial, being a court of limited and defined jurisdiction, in respect both of *persons* and *offences*, can take no cognizance of any act or word but such as is positively prohibited and punished by the military code, and can exercise no discretion in determining either the legal or the moral character of such act or word, but what is expressly communicated to it by law.

This brings us to the consideration of the form and substance of the accusation or charge, in order to determine: 1st, whether any offence, cognizable by the court, be set out in terms; and 2d, if there be, whether it is set forth in such manner and form, and with such specifications, as, according to the established law and practice of courts-martial, may justify calling upon the prisoner to answer.

A more particular enumeration of the terms, in which the charges and specifications now objected to are conceived, may be usefully preceded by a succinct analysis of the rules, by which the form of such accusations is prescribed. These rules shall be deduced from the most approved writers and authorities upon martial law alone; all of whom concur, with undeviating unanimity, in the terms of the rules to be cited, and rival each other in the amplifications and illustrations, by which the utility and necessity of a strict observance of them are enforced.

Then there must be a *certainty* of the offence committed; it must be set out in such terms as bring it unequivocally or clearly within the law or statute, by which it is made punishable; in some instances, even words *synonymous* with those of the article prohibiting the offence do not suffice; but the *very words* of the law must be used, as in case of mutiny, &c., and the special manner of the whole fact must be set forth with certainty, in the specifications. All the circumstances of *time* and *place*, and of the *acts* charged, must be minutely described. If disrespectful, contemptuous or mutinous words be imputed to him, the very words must be specified; and it is not enough for a witness to say that words of such an *effect* were spoken, but he must prove the very words. The more general and vague the description of the offence in the article by which it is punished, the more particular and minute must be the specifications in the accusation of the facts and circumstances intended to be proved in support of it. It is agreed, on all hands, that there must be the same precision and the same minuteness (and in many instances greater minuteness) as in *indictments* in the civil courts. One author, Mr. Tytler, a Scotch advocate, and of course a civilian, would rather compare it to a *libel*, (which is equivalent, in the tribunals under the civil or Roman law, to an indictment or criminal information at *common law*,) because the libel deals in more minute and diffuse specifications of the facts and circumstances charged, and it is certain that a court-martial more resembles a tribunal of the civil law than of the common law, since the members unite in their own persons the character both of judge and jury.‡

The *rationale* of the rule is the same in all courts, which is, that the prisoner being thus minutely informed, under *what law*, for what *offence*, and of what *facts* he is accused, may duly prepare him for his trial. In the same spirit, it is required that he be furnished with a true copy of the *charges and specifications*, and the *names* and *descriptions* of the witnesses for the prosecution, in due time before his trial. The object of this rule is not only that he may be prepared to meet the *matter* of the charge, but to canvass, and if necessary impeach the competency or the credit of the witnesses; and after a copy of the charges

* Vide Laws U. S., p. 351, ch. 187, art. 3; 1 McArthur, App. No. 1, art. 2, p. 325.
† 2 McArthur, ch. 8, sec. 9, p. 297–8.
‡ Adye, p. 1, ch. 6, p. 127-8; Tytler, ch. 5, sec. 1, p. 200-218; McArthur, b. 2, ch. 1, sec. 3, p. 6–12; Macomb, p. 61–3.

has been thus served upon the prisoner, they are unalterable, but under peculiar and extraordinary circumstances.*

All this is the established *law* and practice of courts-martial, deduced from the strongest analogies of judicial justice; and on the best authorities, deduced from the most approved treatises upon the law and practice of such courts. But, in this country, it does not rest upon such authorities alone, but upon these authorities, recognized adopted and embodied into our naval articles of war; by which it is expressly enacted that the "person accused shall be furnished with a true copy of the charges, with the specifications," &c.† If, therefore, the general doctrine required any corroboration from statutory enactment, here it is; for, in the use of the term "*specifications*," everything is implied that had been authentically held to be involved in its true meaning and effect.

Now let this second charge and its specifications be brought to the test of these rules.

First of all, as an *indictment* or *information* for an offence cognizable by a court of common law, it is impossible for any lawyer to hesitate one instant in pronouncing that it would be utterly vicious and void; not for the want of any *forms* or *solemnities*, merely technical, but for the most essential and palpable defects of matter and substance.

Then, by this test, it fails; there is a plain and incurable failure; the whole must be rejected and set aside.

But let the context be minutely examined and tried by the loosest rules that the greatest latitudinarian in military jurisprudence could desire.

Before its validity, as the description of any offence within the terms of the naval articles of war, can be determined, its *meaning* must be ascertained; and that is the most uncertain, obscure, and perplexed imaginable.

The charge itself, considered separate and apart from the specifications, consists of two members, but both, it is presumed, intending the same identical act or offence, and only describing it with superadded aggravations; the conduct imputed was *unbecoming* an officer, because it was *insubordinate*.

The first member of the charge is "*insubordinate* conduct;" and here we are at sea, without chart or compass; for the conduct imputed to the accused is characterized by an epithet unknown to our language. Being unable to discover it in any vocabulary, or in any document of the language, either of science or of general literature, it was presumed to be a term of art, and peculiar to the art military. But no research in our power to make into the nomenclature of that art has been attended with any greater success. The next process was to resort to the etymology of the word; and presuming it to be the negative or privative of "subordinate," the validity of the charge, as a precise accusation under some naval article of war, was tried by that test. But it was not found that the negative article of that adjective could, by any possibility, be made out to be such an accusation. Then presuming that the adjective "*subordinate*" might have some peculiar and technical meaning, distinct from what is affixed to it in the language of science and general literature, military dictionaries and other works upon the art military have been consulted, but in vain, to detect any such technical meaning. On the contrary, the only book on military affairs (and that is one expressly written on military jurisprudence) in which our very partial research has discovered the word, uses it precisely in the same sense as it is found in the language of science and general literature—that is, as indicating the *gradations* in the series of military rank;‡ exactly agreeing with the definition of the word given by the best authorities—"inferior in order; descending in a regular series." So the negative of this quality would charge Commodore Porter with "conduct not inferior in order, not *descending* in a regular *series;*" and under what article of war may such conduct be brought? The process of etymology has been pushed still further in order to discover the true meaning of this charge; the substantive "*subordination*" has been pressed into the service; and 'tis found that, in military language, it has acquired a meaning somewhat different from that by which it is generally defined and understood—namely, an obedience to orders.§ Then, if by any legitimate coinage, "insubordinate conduct" could be understood as expressing the negative of subordination, we have nothing more nor less than a charge of "disobedience of orders, and conduct unbecoming an officer;" a repetition *verbatim et literatim* of the first charge, for which the accused is now under trial.

This identity of the first and second charges, thus elaborated from the devious circumlocution of loose anologies of the *periphrasis* supposed to be couched in the terms of the second charge, is the most favorable interpretation, for the dilemma is fairly put: it must have that meaning, or no meaning.

In that sense of the charge, which of the five specifications, or what circumstance in any of them, squints at any *disobedience of orders?*

The second member of the charge, "conduct unbecoming an officer," though free from the solecism of language apparent in the other, is equally foreign to the terms and definitions of any naval article of war. Even under the extremely vague terms of the 83d military article of war (which is here distanced in vagueness and uncertainty) it would be utterly untenable; but, as the naval code contains no analogous articles, there can be less justification here of this indefinite and unintelligible charge. Nothing is more uncertain, nothing more dependent upon the evanescent caprices of taste and fashion, than what may "become an officer." It may be very unbecoming in him to do a thousand of the most innocent or indifferent things in the world; he may wear his hat, or his sword, or his coat, after a very unbecoming fashion; what might be very becoming in a young lieutenant of twenty, might be quite otherwise in the hoary veteran. In short, there is no end to the minute instances in which he may transgress the decorums of life and good breeding, without bringing himself within any of the penal prohibitions of military law.

The charge itself being vicious and defective in its terms, it becomes, in a measure, useless to inquire into the nature of the specifications; for if the charge falls, the whole *substratum* of the specifications, everything that gives them significancy or application, is taken away.

We have not, however, stopped here, but have endeavored to discover whether these specifications ascertained; with any precision, the true meaning and *gravamen* of the charge. The result will be found in the following summary of them.

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* Adye, p. 127–8; Tytler, p. 217, 244, 358; 1 McArthur, 281–2; Macomb, 89, 172.
† Vide Laws U. S., vol 3, p. 358, art. 38.
‡ McArthur, ch. 2, s. 1, p. 15–16.
§ Duane's Military Dictionary, in voc.

Specification 1. In explainingt he meaning of the charge, by this specification, a notable instance of the old paradox of the "*ignotum per ignotius*," met us at the threshhold: of the obscure explained by the more obscure; "confusion, worse confounded," followed from explaining "insubordinate conduct" by "insubordinate letters." We are here told that the conduct, complained of in the charge, consisted in the writing of "various letters of an *insubordinate* and disrespectful character." Here, our old difficulty, from the new-coined word, *insubordinate*, again opposes our research after a meaning—a difficulty certainly not diminished by being applied to *letters*. Our former analogical definition, "disobedience of orders," seems to be further from the mark than ever. It might be well enough conceived how a man might be ordered not to write a letter, and might, by writing one, disobey the order; but how the letter itself could acquire the quality or character of being "*insubordinate*," is not so easy to be imagined. Now, take the other characteristic of these letters, that of being "*disrespectful*," and what article of war denounces "disrespectful letters" as a military offence? Besides, neither the tenor nor the substance and effect of these letters is set forth; then *how* are they disrespectful? In what degree; in what does the disrespect consist; and to whom was it offered? All these particulars are left to the vaguest and most uncertain conjecture. There would be no end to the possible modes and degrees in which a letter may be deemed *disrespectful*. The disrespectful character here imputed to these letters may consist of such a minute transgression of high breeding as that mentioned in a certain popular novel; where a very refined and fastidious gentleman, receiving a letter sealed with a *wafer*, instead of *wax*, indignantly spurns at it as contaminated by the spittle of the writer.

Upon this whole subject of disrespectful letters, or *disrespectful* conduct, it may be sufficient to say that no such offence, in any of its modes or degrees, is to be found among the naval articles of war. The 5th and 6th of the *military* articles do, indeed, punish contemptuous or disrespectful words towards a certain description of enumerated persons; but there are no such articles in the naval code; and if there were, there is no charge or specification to bring the case within them. The naval code punishes *mutinous* words, and the treatment of a superior officer with contempt.* There is no pretence here that any conduct or any language of Com. Porter was liable to either of these imputations. "Contempt" to a superior officer, is a technical term, and is, by no means, necessarily comprehended in the imputation of "*disrespectful* letters," or "disrespectful insinuations." Besides, there is not in this charge, or in any of the specifications, the least suggestion that any disrespect was conveyed, either by the letters or by the insinuations, to a *superior officer*, within the meaning of the 13th naval article. But the specifications are all so radically and incurably defective, in other respects, that this is scarce worth mentioning.

Specification 2. This might be discussed by a single question, namely: What article of war, or what other law, had made it unlawful, or, in any sense, *improper*, to publish the proceedings of the court of inquiry *after* that court had made its report—had finally disposed of the subject, and had been dissolved? The proceedings of the court were necessarily open and public to all the world; all the world was free to publish them; and why not Commodore Porter?—if, indeed, it be not a solecism in terms to accuse him of publish'ng what was already public, without any agency, active or passive, on his part.

This presents a very different question from that of publishing, during the *progress and pendency* of a trial, detailed reports of the evidence, from day to day—a practice peculiarly incompatible with the order of proceeding, and principles of practice in military courts, and highly improper and mischievous, for many obvious reasons, in any court. If Commodore Porter had violated the respect and duty incumbent on him, as a party before the court of inquiry, by making any such obnoxious publication, he would, doubtless, have been called to a summary account by the court, in the exercise of its incidental power to punish the contempts of parties and witnesses. But with the trial, every reason against a detailed and public report of the proceedings ceased; and, accordingly, it is one of the most ordinary, and, at the same time, of the most unquestioned rights, to publish such reports *after* the trial. In this case the functions of the court of inquiry, upon which such publication might have operated improperly, had ceased; and if any inconvenience has been experienced in practice, from publications which may operate on the deliberations of the Executive, by convincing or informing his judgment, it will be time enough to punish the act when some law shall have made it an offence. In this specification, then, is the absence of every circumstance that might have shown how this publication was, either *actually* or *possibly*, mischievous. The nature of the proceedings, so *published*, and the *motives* and objects of the publication, are circumstances that are altogether overlooked.

Specification 3. "An incorrect statement of the proceedings." Here, again, we ask, what definite idea, either of the *fact*, or of the *gravamen* of the charge, does this specification afford? Wherein does the incorrectness consist? Is it in the punctuation, the orthography, the syntax, or any other transgression of grammatical rules? In what degree, and to what extent, is it incorrect? and with what design or motive was it made so? Is it in material or immaterial circumstances; from inadvertency or design? Here, again, we are left to illimitable conjecture; for all these particulars, which should have been distinctly and precisely detailed, and set forth in the charge and specifications, and which, after they had been drawn out in the minutest detail, could have constituted no offence cognizable by this court, unless criminal falsehood, from corrupt or malicious motives, could have been imputed, so as to make out a charge of *scandalous* conduct, &c., under the 3d naval article of war.

Specification 4. Here we have nothing but a new version, without the least amendment, in point of minuteness or precision, of the 3d specification. It contains only some additional *aggravation*, but not one additional *fact;* the aggravation is that the same publication contained *insinuations*, highly *disrespectful* to the Secretary of the Navy and to the court of inquiry. This might, also, be disposed of by a single question, namely, what article of the naval code makes any such *disrespectful insinuations* criminal? But it may be further asked, what passages of the publication were fraught with these insinuations, and with what insinuations were they fraught? were not all these particulars specified, so that the court might have judged, for itself, whether the *inuendoes* were legitimate deductions from the context; and, if so, whether disrespectful, and in what degree, and to whom? As it now stands, the whole matter is left so vague and uncertain as to defy the sagacity of the most experienced jury of sworn guessers—if, as has been reported, but I know not upon what authority, there ever were, at any time or place, any such auxiliary to the regular administration of justice.

Specification 5. After what has been said of the others, this requires little or no comment. What

* Art. 13.

particular documents are here alluded to and intended, under the general description of "official communications and correspondence," or of "public orders and instructions;" whether there were any injunction of secrecy respecting them, either express, from a competent authority, or necessarily implied by their nature and character; to whom they were disclosed; the time when, the place where, and the manner how; are circumstances unexplained and altogether overlooked, which it would be vain to guess at; and if, perchance, they should be come at by the most fortunate and miraculous of guessers, they would be utterly inconsequential and useless, under the existing frame of the principle charge.

No one circumstance, either of the distinctive description and identity of the documents, or of the time, place or manner of their publication, is given; except that one set is said to have been "made public," "in the same publication" referred to in the former specification: and that the other set is said to have been "made public," "on other occasions," within a given period of about eight or nine months. Now, if every other objection were out of the way, what should be said to this latitude of *time*, in the face of the conclusive authorities, above cited,* by which the utmost latitude allowed (and that only in extraordinary cases, and from an evident necessity) is an alternative either of the day, or of the month, immediately preceding or succeeding some *certain* day or month named in the specification?

The aim and ultimate end of these objections are analogous to a motion to quash an indictment, in a court of common law, for any inherent vice in its frame, which makes it evidently vain and fruitless to proceed with the trial of it.

The counsel would beg leave, in conclusion, to remark, that, in raising these objections against the regularity and the efficacy of the procedure in this case, and taking some pains to explain the grounds of his objections, he was actuated by public considerations, apart from the particular interests, and unconnected with the personal wishes and inclinations of his distinguished client. The principles involved in these objections are certainly of general interest, and permanent importance to the service; and now, amid the repose of a profound peace, is the accepted time to adjust the land-marks, and consolidate the bulwarks of right and justice, in matters of military judicature; to establish well considered and safe precedents; and to supersede all such, if any there be, as, amid the haste and confusion of active service, have been unadvisedly and silently admitted in practice, to the peril of the individual security, the dignity and respectability of our military establishments.† All these considerations, doubtless, deserve, and will receive the deliberate attention of this court; but they are not such as, alone, should have determined the professional course of the counsel in the conduct of his client's defence. He clearly perceived, from the frame of the second charge and its specifications, that the whole matter of accusation, therein exhibited, not being within the prescribed limits of this court's jurisdiction, was necessarily excluded from it; and, being *coram non judice*, the trial of it would, necessarily, be a vain and fruitless consumption of time and labor; it could be brought to no judicial decision or conclusion of guilt or innocence; his client could neither be acquitted nor condemned. Under such circumstances, it was his imperious duty to quash a tedius and unpleasant discussion; irksome to all who feel an interest (and it is an interest coëxtensive with the limits of the country) in the tranquillity or reputation of the eminent and meritorious public functionaries involved in this dispute. To the force of the reasons Commodore Porter has, at length, yielded; after the earnest representations and unequivocal advice of his counsel had overcome a very natural and unaffected reluctance to, or to have done, in his behalf, anything that might expose him to any possible suspicion of a desire to evade a trial of the charge upon the evidence. Indeed, enough may be inferred, even from the very vague and unsatisfactory intimations of the charge and its specifications; from their cautious evasion, or timid recoil from every approach to a *criminal* accusation, without adverting to other matters of public notoriety, to repel every possible presumption of his fearing, or having reason to fear, the least detriment from the most comprehensive and minute investigation into this branch of the accusation.

Answer of the judge advocate to the preceding objections submitted by Commodore Porter's counsel.

The paper submitted to the court on Saturday was stated by the counsel of Captain Porter not to be precisely in that state in which he wished to annex it to the record. With a view of enabling him to complete the transcribing of it, and to correct any verbal inaccuracies which might, in the hurry of copying, have inadvertently crept into it, it was left with him under an engagement that it should be transmitted to me in the course of the evening. Not having received it, I was compelled to dispatch a messenger for it on the following morning, and it was not until about half after ten o'clock that it was put into my hands.

These circumstances are now referred to as my apology to the court for the imperfect manner in which it may be supposed I have replied to the long and ingenious paper of the accused, the work of an accomplished and skillful lawyer and scholar, prepared with ample time for reflection and research, and to which I am thus unexpectedly called upon to reply in the brief period of a few hours. Unwilling, however, that any delay in the proceedings of the court should be attributed to me, I shall endeavor to present to the court as full an exposition of my views and opinions upon the question submitted for its decision as, in the circumstances to which I have referred, is practicable.

It will scarcely be expected or desired by the court, that I should follow the learned and ingenious counsel through the discursive course which his exuberant powers enable him to pursue, with so much facility, beauty, and fancy, upon almost every occasion. I shall consider the questions in a simple and practical manner, and only labor so to present my views, as that they be at once perfectly intelligible to the members of the court, who are not presumed to be very deeply skilled in legal technicalities or philological criticisms, and at the same time exhibit a full answer to the argument that has been submitted.

Before proceeding, however, to examine critically the various subjects which have been urged to the second charge, and the specifications thereof, I would beg leave to submit a few preliminary remarks for the consideration of the court.

The analogy, which it has been the object of the learned counsel to draw between the proceedings of

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*2 McArthur, p. 8; Tytler, p. 214. † Vide Adye, p. 98.

civil courts and military tribunals, and on which he has exhibited so much ingenuity and deep research, is admitted to a considerable extent. The object of all forensic proceedings is the same, and the forms of practice calculated to attain the end in view may well be supposed, even in different ages and in remote countries, to bear a considerable resemblance to each other. Still more reasonable is it to presume that the original practice of military courts was in a great measure borrowed from that which had been previously established in the civil tribunals of the same country. The principles of both were originally the same, the forms of proceeding were analogous, and though modifications would inevitably be introduced, from a variety of causes, and many forms familiar to the one be unknown to the other, yet a considerable resemblance would continue to subsist. It is, therefore, generally laid down by all writers on military courts, that when their own rules of practice and principles of decision are not calculated to meet the exigencies of a particular case, reference should be made to the civil courts of the same country to supply the deficiency. A reference ought perhaps to be made on the present occasion to the practice of the common law courts, and the result of such reference may be widely different from what is contemplated by the accused. No principle of law is better established in the civil courts of our country, as well those of criminal jurisdiction as those which are confined to the decision of private controversies—those which are governed by the principles of the common law as well as those which draw their origin and derive their principles of proceeding from the civil or Roman law, than that the accused in criminal prosecutions, and the defendant in private controversies, may avail himself, by way of defence, of a defect or informality in point of law in the charge alleged, or may controvert the facts upon which he is sought to be convicted. In the case of an indictment at the instance of the government, he may deny the facts with which he is charged, or, admitting them, may deny that those facts amount to a criminal offence. He may, to employ technical language, either demur, or take issue upon the indictment. He cannot, however, do both. He cannot plead *not guilty* to the indictment, and at the same time controvert its sufficiency in point of law. He may resort to either defence, but cannot at one and the same time adopt both. The rule is the same in civil controversies, and the practice of the civil law courts is precisely analogous.

Conceding then that the analogy exists, for which the accused so strongly contends, and which with certain modifications long and well established, undoubtedly exists; it would seem to follow, necessarily, that the accused in the present instance has a right which it is not intended to controvert, to make his option, whether he will demur to the charge, as insufficient in law, or deny it as unfounded in fact. He has chosen the former course, and the consequence of such election may be ascertained by reference to the practice of those courts from which his right is derived. "If the defendant demur to the indictment, whether in abatement or otherwise, and fail in the argument, he shall not have judgment to answer over, but the decision will operate as a conviction." Such is the doctrine laid down by one of the writers of criminal law of the highest authority.* Unless in cases where the punishment is death, in which, from principles of humanity, a greater latitude is allowed, a prisoner who demurs to the indictment, admits the facts with which he is charged, and rests his defence upon the law alone. Should the indictment be determined sufficient, he is adjudged guilty. The analogy then for which the accused contends in the present case would, if pressed to the extent to which it must be carried, if admitted at all, involve this consequence: that if it should be determined by the court that the present charge and the specifications under it, do contain an averment of an offence of which this court can take cognizance, he is precluded from going into any evidence either of exculpation or mitigation, but must by the decision of the court against the validity of these exceptions, be adjudged guilty to the full extent of all with which he is charged. Having selected the ground on which he will rest his defence, the very doctrine for which he so vehemently contends, confines him to that, and to that alone.

The present application to the court is assimilated by the counsel for the accused to a motion, sometimes made in criminal courts, to quash the indictment. The resemblance is defective in numerous particulars. It will be unnecessary to refer to more than one, which is perfectly decisive of this question, and which is distinctly stated by the same author from whom I have just quoted. "It is, therefore, a general rule, that no indictments which charge the higher offences, as treason or felony; or those crimes which immediately affect the public at large, as perjury, forgery, extortion, conspiracies, subornation, keeping disorderly houses, or offences affecting the highways, not executing legal process, will be thus summarily set aside."†

Another remark is eminently entitled to the consideration of the court, not merely as strongly corroborating the conclusion to which I have already pointed, but from its own intrinsic importance. At least two of the specifications charge a fact, which, it is presumed, will not be controverted; and the only question which could seriously be contested before this court, would be that now raised,—do the facts therein set forth, constitute offences for which the accused can be made amenable before a military tribunal? It will scarcely be denied, and indeed the counsel for Captain Porter has intimated to me, that the fact of publishing the pamphlet alleged in the second specification, and various instances of the facts averred in the fifth specification, will be admitted. The facts being conceded, not merely by inference of law, but literally, the only question remaining is, do they constitute an offence of which this court can take cognizance. The determination of that question is, at all events, therefore, to that extent, a decision as to the guilt or innocence of the accused. By the oath administered at the organization of the court, the promulgation of the sentence of the court is prohibited to each of its members, and to the judge advocate. If, therefore, this question should now be decided, as merely a collateral one, and that decision not be regarded as a final determination of the case, and as such announced to the Department, the consequence seems inevitable. So much of the sentence of the court as ascertains whether the accused is or is not guilty, is promulgated contrary to the oath which has been taken. These considerations can scarcely have escaped the notice of the very able counsel of the accused; and it is not to be presumed that the consequences which have been pointed out were not anticipated. At all events, the court has been placed in this dilemma by the accused, and upon him must the consequences rest.

I would beg leave respectfully to submit to the consideration of the court, another view of this question, not confined, in its application, to the present case, but of great and general importance. Military tribunals are, as has been conceded by the counsel for the accused, in many essential respects, courts of honor. Many of the charges which it is usual to try before them, involve considerations of infinitely higher moment, to the individual arraigned, than the mere punishment to which, if found guilty, he will be exposed. The honor of an officer in the navy should be infinitely dearer to him than any other con-

* 1 Chitty, 301 (442.) † 1 Chitty, 203 (300.)

sideration. The members of such courts are far better qualified to decide upon questions of this character than upon the subtilties of special pleading or the refinements of verbal criticism. It will be a subject of regret, should it become common in the service, for officers charged with conduct unbecoming their character, involving their personal honor and veracity, to rest their defence upon technical formalities and critical niceties, which, even if allowed to protect them from punishment, will leave them exposed to obloquy and odium as guilty, in point of fact, of what is perhaps in inaccurate language alleged against them. What gratification will it hereafter afford, either to the high-minded honorable gentlemen who usually compose a court-martial, or to the high-minded and honorable associates and companions of one arraigned before them for conduct unbecoming his rank and station, if on the strength of a precedent established by such authority as this tribunal, the accused should be absolved from punishment because the person who drafted the charges has committed a verbal inaccuracy or technical error, which, though it may nullify the charge in point of form, leaves the character of the accused burthened with all the odium which the accusation itself creates, augmented by the tacit admission of guilt which is involved by resting his defence, not upon a denial of the fact, but a nicety of special pleading or a philological criticism.

So long as the members of a court-martial can perceive that the offence charged is couched in language sufficiently perspicuous and precise to apprise the accused of what he is called upon to answer, so long, it is hoped, will they be averse to receive any defence grounded upon mere defects of form. Such tribunals will ever be opposed to trying a brother officer upon charges purposely couched in ambiguous language, calculated to mislead or entrap the accused. While they will be disposed to exact on the part of the prosecution, all information, and every light which can be required by the prisoner fairly and fully to meet and refute the charge, they will be equally indisposed to demand that degree of precision and formality which, while it contributes no aid towards preparing the defence, or guarding against oppression or surprise, only enlarges the field for the display of ingenious and captious criticism.

When such ceases to be the regulating principle of courts-martial, all that now constitutes the pride and honor of the service will be at an end. Officers, instead of devoting their time and attention to their professional duties, instead of cherishing a lofty and chivalrous sense of honor, instead of encouraging that spirit and feeling which, while it confers dignity and magnanimity upon the superior, gives elevation and respect to the inferior in rank, will resort to the quirks and quibbles of the special pleader, the subtle casuistry of the professional logician, or the pedantic refinements of the verbal critic. How far such a change is desirable rests with this court to determine. With great justice has it been remarked that the decisions of this tribunal will be looked to with respect and deference. Precedents here established will be followed hereafter; and great weight will necessarily be attached to every opinion emanating from such high authority. An appeal of a somewhat personal kind was a day or two since made to me. A hope was intimated, and that hope is now enforced by something bearing the appearance of a threat, if not gratified, that the judge advocate would drop the charge to which exception has been taken. It seems to be intimated that an investigation would, or might, disturb the tranquillity or reputation of some eminent and meritorious public functionaries involved in the dispute. Such a step, under these circumstances, would be repugnant to the wishes, and under any, would be wholly beyond the powers, as well as incompatible with the duties of a judge advocate. The charges have been preferred by the government, and by it submitted to this court for adjudication. The power which preferred can alone withdraw the accusation; the tribunal to which it has been referred can alone judicially decide it.

It may, however, be observed that the government cannot be supposed to be tenacious upon this subject, nor is the smallest solicitude felt by the judge advocate as to the decision of this question. Those who alone are interested are the accused and others belonging to the service; and such a decision as is craved may well be deprecated by them. The offences charged are such as the government possesses ample means to punish. It can vindicate its own authority, and protect itself from contumelious or insulting language. Disrespectful conduct and letters to the head of the Navy Department, have heretofore been punished without the instrumentality of a court-martial, and may be again. If this court shall determine that such conduct and such language constitute no offence of which it can take cognizance, the consequences of that decision will be felt, and felt only by those belonging to the service. The government, instead of submitting cases of this description to the determination of such a tribunal, instead of bringing those who have offended before their peers, for a fair and impartial trial, will be compelled by the principle of self preservation to exercise the power which it possesses, of punishing the offenders. The act of submitting this case, therefore, to this court, so far from being a measure at which the accused ought to take exception, should be received by him in the same feeling in which it was done. The only object was to afford him an opportunity of submitting to the impartial determination of his peers, whether any justification, any extenuation, any apology, could be offered for conduct which in itself seemed so highly reprehensible and so deserving of punishment. If this court shall determine that, in point of law, every officer in the navy may, without violating any article of the naval code, and without subjecting himself to punishment before a military tribunal, write disrespectful and insubordinate letters to the President of the United States, and to the Secretary of the Navy; may publish to the world his orders and instructions from the government, and his correspondence with the Department; may publish accurate or inaccurate statements of the proceedings of courts of inquiry, while the same are under advisement of the Executive; may make charges and insinuations, not warranted by the facts, highly disrespectful to the Secretary of the Navy, and the members of a court appointed to investigate his conduct—so let it be. The individual charged by the government with such insubordinate conduct, should be the last to desire to withdraw such an accusation from the decision of his brother officers.

On this occasion, as on all others in which it prefers charges, the government has expressed its opinion that the acts which the accused is alleged to have committed are reprehensible, and deserve punishment. All charges brought before a military tribunal necessarily involve the idea that the person who prefers them conceives the facts set forth to be criminal to the extent in which they are so charged, unless some circumstances of justification or mitigation can be presented. The single object of submitting the charges to the consideration of the court, is to ascertain judicially whether or not he has acted as he is charged with acting, and whether he was justified, by the circumstances in which he was placed, in so acting. In the present instance an opportunity has been afforded to the accused before this high tribunal, of proving that he was authorized to use the language which is accused of being disrespectful; that the assertions and insinuations alleged to be not warranted by the facts were true; and that he was justifiable in the conduct which is charged to be reprehensible. Instead of availing himself of this opportunity,

he insists that these allegations, if true, contain no matter to which he can be called upon to answer before a court-martial. He rests his defence upon the law, and by the law his case must be decided.

I shall now proceed briefly to examine the objections both general and particular, that have been urged, and shall endeavor to satisfy the court by reason, by positive enactment, and by precedents of high authority, that this charge, and each and every of the specifications, are sufficient in point of law.

On the present occasion it may be considered as superfluous to disprove the correctness of a general position which has been asserted with so much confidence by the very able counsel for the accused, that no offence can be tried before a court-martial, but one which is specially prohibited by some positive statutory enactment. To show that the learned counsel has been in this particular not quite so accurate as might have been expected from his known accomplishments and varied erudition, I shall beg leave to cite a single passage from an author to whom he has frequently referred. Mr. Tytler, after quoting the 36th section of the British mutiny act, thus proceeds to comment upon its provisions: "Although it follows from these clauses, that no crime which is mentioned and defined by the articles of war, is punishable by a court-martial in any other manner than that which is specially directed by those articles; yet it does not follow that there are no crimes punishable by a court-martial, but such as are enumerated and declared to be punishable by the articles of war."* He then proceeds to show that a court-martial may inflict punishment for any breach of the regulations or orders respecting the army, though nothing touching the same should appear in the mutiny act or articles of war. In the following page he continues: "But there are offences which admit of no precise definition, and yet, which in the military profession, are of the most serious consequence, as weakening and subverting that principle of honor on which the proper discipline of the army must materially depend. Of these, a court-martial, which is in the highest sense a court of honor, are themselves appointed the sole judges, or rather the legislators; for it is in their breasts to define the crime, as well as to award the punishment."

Every officer in the navy, occupies a particular relation with the President of the United States, his commanding officer, by whose appointment, and at whose pleasure he holds his commission. Many instances of crimes of a military character might be enumerated, which are not in terms prohibited by any code of naval law. Many military offences it would be impossible to define, with the same accuracy with which offences at common law are defined. Many are wholly dependent upon the relationship which subsists between the officer and his superior. Among these is *insubordination*, a term perfectly well understood, both in civil life and in military service. The definition, or rather description of *subordination*, has been given with great accuracy in one of the works to which the learned counsel has referred, and it will hereafter be particularly cited. Without subordination no service can exist, no discipline be enforced, no harmony preserved. It is peculiarly a military duty, though by no means exclusively so. The general peace of society, the domestic tranquillity of families cannot coexist with insubordination. The general meaning of the term subordination, may be distinctly comprehended, but it would be impossible to enumerate all the cases, much less to describe them with logical accuracy, in which an officer may be guilty of insubordination. The meaning of the term being comprehended, and no soldier can long remain ignorant of its signification or of the necessity for enforcing it, its application to particular cases, must be determined by the sound discretion of the court. In this respect, it is analogous to mutinous conduct, disobedience of orders, &c., which must always and necessarily be equally vague and indefinite, and be equally applicable to a thousand wholly dissimilar actions.

So also, in regard to conduct unbecoming an officer, or as the same idea is frequently expressed in military books, and before military courts, unofficer-like conduct, a form of expression which, though perhaps not found in any vocabulary, is as intelligible as any other in the language. Whether any particular act merits this epithet, can scarcely be a matter of serious doubt among officers whose own characters and demeanor clearly demonstrate that they perfectly well understood in theory, and never omit in practice, a conduct which becomes their rank and station. If doubts on such a question should arise, they will never be solved, nor will the minds of the members of the tribunal whose duty it is to decide them be illuminated, by special pleading or verbal criticism. The instances are numerous in which officers in our own service have been arraigned before military courts for acts which are stigmatized as unbecoming their station, and perhaps it would be difficult to conceive a more complete disqualification for holding a commission, than an actual ignorance of the meaning of these phrases.

The learned counsel, in commenting upon this charge, has alleged that "the conduct imputed to the accused, is characterized by an epithet unknown to our language;" and, after exhausting his critical talents in conjecturing its meaning, he comes, at last, to the conclusion, that the signification to be attached to it, the most favorable to the prosecution, is, that as *subordination* has, by one single author, been made to signify *obedience of orders, insubordination*, or *insubordinate conduct*, must mean *disobedience of orders.*

Without indulging the idle expectation, that it will be in my power to compete with the ingenious gentleman in his philological researches, or to do full justice to a specimen of verbal criticism, which, however suitable an appendage to the Diversions of Purley, seems to have wandered out of its proper sphere, when it found its way into the proceedings of a court-martial, I must beg the indulgent attention of the court to a few remarks.

One of the most beautiful and philosophic writers, whose works embellish English literature, commenting upon a similar effort of ingenuity, asserts that it proceeds "on a supposition, founded on a total misconception of the nature of the circumstances, which, in the history of language, attach different meanings to the same words, and which, often, by slow and insensible gradations, remove them to such a distance from their primitive or radical sense, that no ingenuity can trace the successive steps of their progress."†

The signification which the learned counsel has quoted and attributed to the words *subordinate* and *subordination* is unobjectionable. I shall, however, show that they are employed by high authorities in a sense perfectly appropriate to the present occasion.

In the report made by General Scott, containing a system of field service and police, submitted to Congress December 26, 1820, p. 50, and approved by that body, in giving his definition of discipline, he attaches to it this meaning: "correction, or the enforcement of subordination; the award and infliction

* Page 107-8. † Stewart's Philos. Ess., 239.

of punishment consequent on a breach of that subordination, that is, consequent on a neglect or breach of some duty."

In the present military code it is repeatedly, it is believed, employed in the same, or closely analogous sense. In Duane's Military Dictionary, quoted by the learned counsel, it is thus described: "A perfect submission to the order of superiors; a perfect dependence, regulated by the rights and duties of every military man, from the soldier to the general. Subordination should show the spirit of the chief in all the members; and this single idea, which is manifest to the dullest apprehension, suffices to show its importance. Without subordination it is impossible that a corps can support itself; that its motions can be directed, order established, or the service carried on. In effect, it is subordination that gives a soul and harmony to the service; it adds strength to authority, and merit to obedience; and while it secures the efficacy of command, reflects honor upon its execution. It is subordination which prevents every disorder, and procures every advantage to an army."

In the same sense is the word employed in the first article of the rules and regulations for the government of the navy. "The commanders of all ships and vessels of war are strictly enjoined and required to show in themselves a good example of virtue, honor, patriotism, and *subordination*."

In the 2d vol. of Marshall's Life of Washington, p. 245–6, that eminent authority remarks: "The army was consequently found in a state of almost entire disorganization, and the difficulty of establishing the necessary principles of order and *subordination*, always considerable among raw troops, was greatly increased by the short terms for which enlistments had been made."

In a letter from General Washington to Governor Henry, of Virginia, Note XIX, at the end of the same volume he says "discipline and *subordination* add life and vigor to military movements."

If the signification of this term should be considered as ascertained by the foregoing citations, which have been introduced, for the purpose as well of showing the military sense of the term, as the high importance of the military duty of subordination, it would, perhaps, be unnecessary to consume time in showing, by reference to equally high authorities, the meaning of the word, and the dangerous character of insubordination. It might be sufficient to quote from Dr. Johnson's preface to his dictionary a single passage, to show why this term is not found in any vocabulary of our language, if such indeed be the fact. That learned lexicographer observes: "of some forms of composition, such as that by which *re* is prefixed to denote repetition, and *un* to signify contrariety or privation, all the examples cannot be accumulated, because the use of these particles, if not wholly arbitrary, is so little limited that they are hourly affixed to new words, as occasion requires, or is imagined to require them."

I shall, however, cite a few examples of the use, as they will serve to show the signification of the word.

The chief justice, in his 2d volume of his Life of Washington, p. 327, speaking of the character of the American troops at an early period of the revolutionary struggle, observes: "A spirit of *insubordination* seemed to pervade the whole mass." In page 366, referring to the condition of the American army in Canada, under the command of General Sullivan, he observes: "The whole were in a state of total *insubordination*."

The word is employed repeatedly by the very able and accomplished gentleman who prepared, as counsel, the defence of Lieut. Kennon. In p. 75 of the report of that case, he says: "Do not believe I am an advocate for insubordination. If one expression of that character can be found in my letter, I merit punishment and will patiently endure it." In p. 88: "The testimonial which this court has deigned to afford me by their evidence permits me to say, and to say proudly, that I have never dishonored it by one act of insubordination or the smallest departure from duty." In p. 91: "Discipline is exposed to two foes, coming from opposite quarters, and assailing it at different points. Insubordination, which, founded on man's natural impatience of control, often leads the inferior to resist necessary authority, &c." Again, in the same page: "If insubordination, in its restlessness, has sometimes raised its arm against rightful authority, &c." And in p. 92: "I venture to anticipate such a decision as will remove this unfounded opinion, maintain the true discipline of the navy, and convince all grades of service that, though insubordination will always receive its merited punishment, oppression will find neither countenance nor impunity." On the same trial, the sentence of the court, drawn up by the judge advocate, bearing the same name with the learned counsel, whose ingenious criticisms have given occasion to this, I fear tedious, examination, and, as I understand, nearly allied to him, contains this sentence: "The court cannot, by its silence, give sanction to sentiments which, though clothed in the mantle of defence, are calculated to infuse principles of insubordination in the navy."

A single reference to an English work will be sufficient. Mr. Tytler, whose learning has been highly commended, and whose authority has been recognized by the learned counsel, in p. 86–7, of his treatise, says, speaking of Cromwell: "Finding that the whole army would be speedily in a state of anarchy and total insubordination, he determined, by a daring exertion of power, to remedy this alarming disorder."

After these citations, I feel myself fully warranted in saying, that if the word *insubordination* had been employed instead of the phrase *insubordinate conduct*, no possible exception could have been taken to it, either as "a solecism in language," or indefinite in its signification. I will respectfully submit to the court whether it is possible even for the microscopic perceptions of the learned counsel to distinguish the difference between them. The signification of both is the same, and the obvious meaning to be attached to either form of expression is, such conduct as is wholly unsuitable to the relation which subsists between the person guilty of it, and his superior in rank and authority.

As has been already intimated, my object in multiplying quotations, has been not merely to show the propriety and legitimacy of the expression employed in this charge, but also to establish the next position upon which I shall proceed to make an additional remark, that subordination is a high military duty, and insubordination a high military offence. It has been shown that, by the first article of the regulations for the government of the navy, all commanders of vessels, &c., are strictly enjoined to show in themselves a good example of virtue, honor, patriotism, and subordination. Why this injunction, if those to whom the example is set are not bound to follow it? if insubordination or insubordinate conduct be not a military offence? To require that the military law should specially enjoin subordination, or prohibit insubordinate conduct, would be as wise as to require that a particular statute should be passed, specially forbidding the violation of any law, and requiring obedience to law. Every citizen, independently of special enactment to that effect, by entering into the social compact, by the very act of becoming a member of the community, engages to obey the laws of that society to which he has attached

himself. In like manner, every soldier, by connecting himself with the service, assumes upon himself the obligation to perform the military duty of subordination.

A man accused before a court of common law, or before a court-martial, of treason or murder, may with equal show of reason demand to have the particular statute pointed out, which prohibits these high offences. None such can be produced. In the law of God is found the prohibition, "Thou shalt do no murder:" it has not been introduced into any statutory code of social or municipal law, with which I am acquainted. The prohibition in them is tacit; the offence is described, and the punishment affixed.

It is said, however, that the language of this charge is too vague and equivocal; that it does not apprise the accused of what he is called upon to answer. Numerous authorities have been cited to enforce and illustrate this position. A reference to them will show, that the learned counsel has required far more minuteness of detail than is warranted by any writer upon military law, or by the practice of courts-martial. Tytler, in the passage read by the learned counsel, p. 213, speaking of the only instance in which the British military code enjoins a particular specification, says: "It might, perhaps, be argued that in other crimes such specification is not essentially necessary; and it must be owned that, in practice, it has been too frequently dispensed with, and a general charge allowed, as of mutiny, disobedience of orders, disrespectful conduct to superior officers, &c. But the generality of such charge, although it may not be absolutely reprobated by the military law, or amount to an avoidance or annulling of the indictment, affords, in every case, a competent and weighty objection upon the part of the accused, which he may urge, to the effect of having the charge rendered special, by a pointed detail of the particular facts on which it is founded." The same idea, in the same language, may also be found in McComb's Treatise. From this passage, it clearly appears that a prisoner may be arraigned before a court-martial upon a general charge of mutinous conduct, disobedience of orders, and the like, without any specification; that such generality of language does not vitiate or annul the indictment, as it has been termed; and that the only course by which the accused can remedy or guard against the inconvenience to which he may be thereby subjected, is to require of the prosecutor particularly to specify the facts which he intends to prove by testimony. In the present instance, therefore, the accused would be unable to succeed in his present application to the court, if the charge had been as general as it now is, and unaccompanied by any specification of the circumstances in which the alleged criminality consists. If he apprehended inconvenience, or surprise, he might have applied to the court to require such detail, before he undertook to plead to the charges.

The learned counsel has indeed intimated that this cannot be done in this country, because one of the articles for the better government of the navy, prohibits any alteration in the charges, after the same have been furnished to the accused. To this remark, two very sufficient and conclusive answers present themselves. First. The statement of the prosecutor, under the order of the court, of the particular evidence by which he designs to substantiate the general charge, neither is an alteration of such charge, nor does it require such alteration to be made; it is a wholly intrinsic act. Secondly. This provision is made for the sole protection of the accused, and no principle of law is more clearly settled, than that any one may renounce the benefit of a statutory provision designed for his own advantage. If, then, the accused had called for such a detail, as Mr. Tytler says he may, and the court had deemed the present a case in which he was entitled to a more particular specification of the facts designed to be given in evidence, such detail might have been furnished without any violation of the law. It is understood that precedents of this kind exist in our own service; and if none has yet been established, it would have furnished no valid exception to the application.

I shall now briefly proceed to cite a few cases in which this generality of charge has been allowed without exception. In the case of Captain Shaw, the second charge was "unofficer-like and ungentleman-like conduct." In the case of Sailing Master James B. Wright, the charge was "unofficer-like conduct." In the case of Lieutenant Benjamin Richardson, the charge was "conduct unbecoming an officer and gentleman." In the case of Sailing Master Daniel Dobbins, the charge was "ungentlemanly and unofficer-like conduct." In the case of Midshipman Payne, the first charge was "defamation of character;" and the second, "unofficer-like, ungentleman-like, and scandalous conduct." These cases are sufficient to show that such a charge as has been preferred in the present instance, is as well established by precedent in our own service, as I have shown it to be by a reference to writers on military law, of the highest authority and respectability.

It is, however, to take an imperfect and incorrect view of this question, to consider the charge as perfectly insulated, and standing by itself. Connected with the specifications, which point out the particular instances in which the conduct of the accused is alleged to be insubordinate, and unbecoming an officer, he could scarcely have been induced to suppose that the particular dress in which he might choose to appear, the fashion of wearing his sword or hat, or the other minor directions from fashion, or the common routine of society, to which reference has been sportively and facetiously made, could have been intended as the particular instances in which he had rendered himself amenable to this charge. All the vagueness and indistinctiveness alluded to by the counsel, vanish when a reference is made to the particular facts stated in the specifications of this charge. It is not by the charge alone, but by the charge accompanied by the specifications, that this point is to be determined.

To these specifications I shall now recur, and submit to the consideration of the court a few remarks upon the particular exceptions that have been urged against them.

The first specification charges the accused with writing, and transmitting to the President of the United States, and to the Secretary of the Navy, the letters therein referred to, which are alleged to be of an insubordinate and disrespectful character, thereby violating the respect due from every officer in the Navy to the head of the Department, impairing the discipline of the service, and setting a most dangerous and pernicious example.

It is objected to this specification, that it does not set out the language alleged to be disrespectful, and that it does not charge any offence cognizable before a court-martial. It is somewhat singular that such an exception should now, for the first time, be presented to the consideration of a court-martial. In the case of Lieutenant Abbot, the third specification is in the following words: "In that he did, during the time, on the station aforesaid, on or about the 11th day of August last past, address a letter to the Secretary of the Navy, covering a communication written in his own handwriting, or by his direction and request, containing numerous false, scandalous, and malicious charges, against his superior officer, Captain Isaac Hull, calculated to deprive the said Captain Hull of his honorable fame." Here a letter is referred to by its date only, as containing charges of a very serious character against the individual

therein mentioned, but not a word of that letter is recited in the specification. The charge and specifications, in that case, were drawn up and signed by Captain Porter, in his official character as Navy Commissioner. The court, consisting of members, of whose intelligence and capacity, it would, on this occasion, be indelicate to speak, as three of them are now sitting on this case, tried Lieutenant Abbot, found him guilty, and sentenced him to be punished on this specification. Neither the accused, nor the very eminent counsel concerned in his behalf, William Sullivan and Samuel M. Knapp, Esquires, ever conceived that it was necessary to set forth those passages in the letters, which were deemed reprehensible; and it escaped the observation of the Secretary of the Navy, now one of the judges of the Supreme Court of the United States. If the objection in the present case is sustainable, with how much propriety and force might it not then have been urged? So, in the case of Lieutenant Kennon, in which also the same prosecutor preferred the charges, and, on the trial of which, three of the members of the present court sat, the first specification charged the accused in a still more vague and general manner than Captain Porter is now charged, "by falsely and maliciously publishing, in the Norfolk and Portsmouth Herald, of the 13th of December, and in the column dated the 12th of the same month, a letter purporting to be from me to him, when I never wrote such a letter." It is true that all objections arising out of defects of form, are, on that occasion, distinctly waived by the accused, who rested his defence exclusively upon the broad denial of the fact, but no intimation was given by any one that such a specification was deficient in that particular. So in the case of Midshipman Payne, under the general charge before mentioned of "defamation of character," the specification was, "that he did, on or about the 2d of September, 1821, send or deliver to Commodore Jones a letter, containing a number of charges, charging Midshipman Purveyance with theft, cowardice, and other disgraceful acts." In all these cases, whether because such an exception never occurred to the accused as sustainable, or because they preferred meeting the charge on the broad basis of fact, no such technical objections were urged. These now constitute precedents of high authority, and their weight is increased by the high rank of the accuser in the two first cases, the exalted character of the court by which they were tried, and the eminent abilities and legal erudition of the counsel employed by the accused.

The second specification contains the charge of publishing to the world what purports to be the proceedings of the court of inquiry, without the authority of the Executive. Whether an officer is not guilty of insubordinate conduct, and conduct unbecoming his station, in making an appeal to the nation, and endeavoring to prepossess the community with the merits of his case, and to forestall public opinion while that case is undergoing the examination and consideration of the Executive, may be submitted to this or any other tribunal. The pernicious consequences that may result from such a step cannot escape the notice of the most superficial observer, and can scarcely be exaggerated in the imagination of the most timid.

If this be reprehensible and erroneous, still more must it be to publish an inaccurate report of such proceedings. Whether such inaccuracies be deemed trivial or important, is a matter of subordinate consideration. The liability to fall into error, though inadvertently, affords one of the most conclusive reasons to show the impropriety of any such unauthorized publication.

It is, however, alleged that the inaccuracies should have been specified. The authority of Tytler has been already referred to, for the purpose of showing that a charge is not vitiated by being couched in general language, and unaccompanied with any specification, and the inference is irresistible that, if a specification is made, it is not an essential defect that it does not specify the particular inaccuracies which are contained in a publication specially referred to. The first specification in the case of Lieutenant Abbot, prepared by Captain Porter, is in the following words: "In that, moved by a spirit of envy or base motive, he hath, upon the Boston station, and within a year now last past, scandalously attempted to take from his superior officer, Captain Isaac Hull, his good name." The second: "In that he has, during the time, and on the station aforesaid, made numerous scandalous and false insinuations against the official character and conduct of his superior officer, Captain Isaac Hull, calculated to stamp his name with opprobrium and infamy." In the second specification in the case of Lieut. Kennon, the accused is charged with "having, within a year, last past, maliciously used base means for defaming my character, to wit: by publishing, or causing to be published, in the Norfolk and Portsmouth Herald, a statement bearing his name, containing falsehoods which were calculated to injure my character, and which he permitted to remain without being publicly contradicted, until his attention was drawn to the subject, by the remarks in a Georgia paper." "By repeated attacks made by him on me, in the public newspapers, and by falsely declaring in the Herald, that he never made me a reluctant apology, and publicly recalling it after he had obtained all the advantages resulting from a reluctant apology made to me." "By having used towards me, in a public print, a term which is seldom applied to other than pickpockets, rogues, gamblers, &c." Surely if these specifications are not utterly illegal, from their vagueness and generality, from the looseness of their references, and the uncertainty as to the real ground of accusation, those now under consideration must be beyond reproach. The sufficiency of those charges is established by the authority of Captain Porter, who drew them—of the court which tried the accused upon them—of the Department which directed such trial, and approved the proceedings in both cases.

The fourth specification is supported by the same high authority.

The fifth admits of reference to precedents to support it equally unobjectionable. I shall cite but two. In the case of Captain Shaw, already referred to, the accused was found guilty of so much of the eighth specification as alleges "that Captain Shaw, contrary to his duty as an officer, did expose to view, and suffer Chaplain Cheever Felch, and other officers of the navy, to examine and peruse his official communications with the Navy Department. For this offence he was punished. If that be a military offence, cognizable before, and punishable by a court-martial, how far more reprehensible is it to submit orders and instructions from the government, not merely to one or two brother officers, but to publish them to the world, through the medium of a pamphlet and the public gazettes. I shall trouble the court with a reference to but one more authority on this point; it will be found in the thirty-fourth and thirty-fifth pages of the report of the trial of Lieut. Kennon, where it will appear that Captain Porter, under examination as a witness, expresses his decided opinion, that it is highly improper to publish orders received, even from a superior officer in the service, and that he would not commit such an act.

The foregoing references are so completely decisive upon another point raised by the accused on this occasion, viz: that this specification is vicious, inasmuch as it embraces so large a period of time, within which the offence is charged to have been committed, that it will be unnecessary to examine that question further. In both the cases of Lieutenants Abbot and Kennon, the offences are charged to have been

committed "within a year now last past." In the present case this specification charges the publications to have been made between the first day of October, 1824, and the fifteenth day of June, 1825. If, in the cases cited, the specifications were right, in this they cannot be wrong.

It will not be denied that the language of our naval code is, in some respects, loose, vague and inaccurate; and that the defects of the system are numerous and important. Vague and inaccurate, however, as it confessedly is, it contains one sweeping clause, sufficiently comprehensive to embrace this charge, and each and every of the specifications under it. "All crimes, committed by persons belonging to the navy, which are not specified in the foregoing articles, shall be punished according to the laws and customs in such cases at sea." This section is a legislative recognition, that there may be crimes committed by persons belonging to the navy, not specially embraced in any of the navy articles; and such are to be punished, as I understand the latter clause of the section, by the instrumentality and at the discretion of a court-martial. Such cases are those in which, to use the language of Tytler, the court assumes the functions "both of legislators and judges."

Before the court shall determine that the charge and specifications in the present case are vicious, for want of form and fullness of detail, I must beg it to pause and to consider what it is that is required. What, if these objections are valid, would be requisite to free the proceedings from their force? In the first specification, it would be necessary to set out all the letters therein referred to by date, being five in number, and some of them of considerable length. In the second, the entire pamphlet published by the accused, must have been introduced, because that is specially referred to. In the third, the real proceedings of the courts of inquiry should have been set out, and the variances between them and the publication distinctly pointed out. In the fourth, it would be required that all the remarks, statements and insinuations, disrespectful to the secretary and the court of inquiry, should have been introduced verbatim; and in the fifth, that all the papers therein referred to, should appear in the charges. Such is the length to which these objections extend.

If this were necessary or even useful in assisting the accused in defending himself from the charge, if it were required by positive law, or enjoined by the practice of courts-martial, no objection to such a requisition ought to be listened to. When, however, the positive law is silent on the subject, when, as has been shown, the practice is wholly different, when no one reason has been or can be assigned, why this should be done, this court can scarcely hesitate to declare that the ground assumed by the accused is wholly untenable.

It may not be necessary to refer to objections which were incidentally urged by the counsel when he, to use his own form of expression, enunciated his ideas upon this subject, but which are not very zealously pressed. It was understood they had been waived, but if so, for what purpose they are again and again recurred to, is not distinctly perceived. I allude to the objection that the accused was not furnished with a copy of the charges upon which he was to be tried, and with a list of the witnesses that would be adduced against him. The accused did intimate at the opening of the court, when he was arraigned upon this trial, that he had not been furnished by the government with a copy of the charges to which he was now called to answer, and did solemnly call upon the court to furnish him with such copy. It did, however, appear upon his own exhibition, that he had been regularly furnished at the proper time and in proper form with a paper, which, with the exception of two letters in one of the words, was a literal transcript of the charges that had been read. In giving the date of one of the letters alleged to be insubordinate and disrespectful, the copying clerk had inadvertently dated it the *thirtieth* instead of the *thirteenth* of April. No other variance has been, or it is believed can be, discovered.

As regards the right of the accused to have a list of the witnesses furnished him, it is wholly denied. That such a doctrine is laid down by some of the writers on courts-martial is conceded, and probably this practice may prevail in the army to some extent, but it is apprehended that it is wholly unknown to the navy practice, and the high authority of Sir Charles Morgan, the distinguished judge advocate general of Great Britain, is decidedly against it. In page twelve of the advertisement to the third edition of Tytler, that experienced gentleman says: "I have never understood it to be the duty of the judge advocate in all cases to furnish a prisoner, previous to the trial, with the names and designations of the witnesses, by whose testimony any act objected against him is expected to be proved; nor on the other hand, do I consider that it is requisite for the prisoner to furnish the judge advocate with the names of any other witnesses than those whom he wishes to be officially summoned. I think such communications might possibly in some instances lead to inconvenience on either side." The navy articles are wholly silent upon this subject. They require that he shall be furnished with a copy of the charges and specifications, but do not enjoin that he shall be furnished with a list of the witnesses. At all events when the objection is formally presented, it will be time to discuss and decide upon its validity.

Upon the whole I submit, with great respect, to the court my clear and unhesitating opinion that each and every one of the specifications, as well as the charge, are sufficient both in substance and in form; that they do specify offences of a military character for which the aecused may be arraigned and tried before a court-martial.

It is to be regretted that such a discussion should thus prematurely have been required. Every objection now taken could have been taken with equal efficacy and propriety in the defence. It would then have been analogous to the motion in criminal courts to arrest the judgment. The argument into which I have thus unexpectedly, and with very limited opportunities for research and consideration been driven, this full and distinct enunciation of my opinion, and the premature decision of half the case by the court would have been postponed to a more suitable period. The course pursued by the accused has, however, imposed upon me an arduous and responsible task, and I should feel myself unworthy of the situation which I occupy, before this court, were I to shrink from the discharging of any duty, however unpleasant or however irksome.

DEFENCE.

Mr. President and gentlemen of the court-martial:

After having endured a long and mortifying suspense, the frown of undefined indignation, and the anxieties of ambiguous censure, I have experienced a sensible relief, from a public investigation promising a determinate issue; which, in no event, can place me in a situation less tolerable than that from which it takes me. Even the hard measure that has been dealt me, in the manner and spirit of the prosecution, both before and during the progress of my present trial, is amply compensated, whatever be the event, by the opportunity afforded me, of a full and open justification before the world; and especially, before a tribunal between the members of which and myself, at least so much of intelligence and community of sentiment exists, as to free me from the apprehension of receiving *less* than justice at their hands; and to acquit me, in their minds, from the suspicion of appealing to their favor, for any thing *more* than justice. If preparatory censures have tended to wound my feelings, or to prejudice my cause; if a stern and jealous inquisition, have probed every part of my professional character and conduct, where the sensitiveness of a man of honor, or the presumed defects of human frailty, might be supposed to shrink from the searching point; and if taken unawares by the suddenness of the attack, or the novelty of my situation, an excruciated sensibility may, for the time, have broke through the guards, that should have preserved me unmoved and self-balanced in mind and temper; yet, after all, I bow, with humility and experimental conviction to the moral system of compensations, that bringeth good out of evil: for innocence, made but the more manifest and clear, from the severity of its trials, is the bright reversion, that might have animated hope, and endued me with the passive fortitude of endurance, through a longer and more penal term of tribulation.

The accusations, which I am now to answer, present this singular feature: while they branch out into two distinct classes of offence, the most dissimilar and the most unequal, in the quality and degree of the legal and moral guilt imputed, as in the importance and interest, to the community, of the principles involved, and of the actions to be condemned or justified; they all originate in the same source; and are closely connected by the causes, that have produced them, and by the passions and motives that uphold them.

The first branch of the accusation brings into discussion the most important and vital principles of the high and awful sanctions, by which national sovereignty is to be maintained and vindicated by arms: while the second hinges upon the minute punctilios of ceremonious respect. That a devoted servant of the republic, who had consumed the flower of his years, and the vigor of his life in arduous, and, as he hoped, acceptable services; who had looked for approbation, if not honor, as his reward, for an unstinted exposure to labors, privations and dangers; so much the more disinterested, as, however beneficial to his country, and to mankind, it promised few of the personal gratifications, which may laudably be sought in the renown of more striking and brilliant achievements; who was conscious of having acted with the most implicit respect and exact fidelity, to what he understood to be the views and instructions of his superiors; who, with wasted powers of life, but untiring activity and zeal, had exerted, for the fulfillment of those instructions, to the utmost scope of their letter and spirit, whatsoever of efficient energy, a constitution worn and broken in the public service, had left him; that such an one should have been somewhat sore and impatient under rebuke, that came like a portent and a wonder, upon his astonished senses, was far more natural than that complaints of misconstruction and injustice should have been interpreted into disrespect; and free, but decorous remonstrance treated as little less than mutiny.

In my justification against these charges, I must regret the necessity of occupying a larger portion of the valuable time of this court, than any intrinsic difficulties in the questions themselves might possibly have acquired. But the terms in which the charges have been framed, their often complained of vagueness and uncertainty, as to the nature and degree of the offence intended to be charged—the mystery observed as to the applications of the facts and circumstances given in the evidence, to the gist of the accusation; and the defect of any advertisement of the points intended to be insisted on, in the prosecution, or that were supposed to require elucidation in the defence: all these circumstances compel me to traverse a wide field, as well of conjectural as of obvious justification.

Before I proceed to discuss any matter of fact or law, put in issue by the first charge, it may be useful to obtain as distinct an understanding, as practicable of its terms, and of the nature and degree of the guilt imputed by it.

The general head under which the offence intended to be charged is classed and characterized, consists of two members: first, "disobedience of orders;" second, "conduct unbecoming an officer." The first doubtless falls under a general description of military offence, common to every organized body of military force in the world; but, in every military code, by which such an offence may be punished, the character and functions of the officer, from whom the orders are supposed to emanate, and the nature of such orders are usually defined with all reasonable precision. In the 5th and 14th of our naval articles of war, this species of offence is defined, in terms nearly equivalent to the corresponding articles in the naval and military codes of Britain,* and in our own military articles of war.† Our 5th naval article of war, in the terms restricted to the orders of a *commanding* officer, when preparing for, or joining in, or actually engaged in battle. But the 14th article, conceived in terms somewhat more comprehensive, enacts that "no officer or private shall disobey the lawful orders of his *superior* officer, or strike him, &c., while in the execution of the duties of his office." The punishment of the offence, in either of its modes or degrees, is "death, or such other punishment as a court-martial shall inflict." Then, if by the "disobedience of others," here charged, be intended any offence known to the naval articles of war, and punishable under them, it implies that I had received, from some *superior* officer, in actual command, either while engaged or about to be engaged in battle, or otherwise "in the execution of the duties of his office," some order which I had disobeyed, and so had come within the danger of a capital offence, as every military offence is denominated, which is punishable either with death or cashiering, though it be left to the discretion of a court-martial to inflict any less punishment. When this general charge comes to be deduced into particulars, in the form of a specification, *no orders*, either commanding or forbidding me to do any act whatever, are set

* McArthur, p. 275; art. 11, p. 277; art. 22, p. 278; Mutiny act, sec. 1, p 279; Military, art. 3, 4, 5.
† Art. 9.

forth, either in terms or in substance. No commanding or superior officer, from whom they are supposed to have issued, is either named or described. The specification simply sets out the naked and insulated fact, of a certain invasion, by force of arms, upon the territorial sovereignty of Spain, accompanied by *divers of acts of hostility* against the *subjects* and the *property* of that power; and instead of any averment that, in so doing, the orders of a commanding or superior officer had been disobeyed, the conclusion of the specification branches out into a "contravention of the *Constitution* of the United States, and of the law of nations, and a violation of *instructions* from the *government* of the United States." Now whether any "*contravention* of the *Constitution* or of the law of nations," not involved in a disobedience of military orders, be an offence cognizable, under this charge, by a court-martial; or whether general *instructions* from the government be identical with the *orders* of a commanding or superior officer; and a *violation* of such *instructions* equivalent to a *disobedience* of such *orders;* are questions of grave import; and will doubtless, in their due order, receive the deliberate consideration of the court. At present, however, we are endeavoring to ascertain the essential character and terms of the offence, actually intended to be charged; its *legal* attributes and consequences may be separately considered.

As to the second member of the general charge, "conduct unbecoming an officer," whether it be intended to describe a mere incident to every act of military disobedience, or to impute some gratuitous and superadded circumstance of aggravation, on the mode and degree of it; and to inflame the guilt of simple disobedience, by some wanton abuse in the manner and circumstances attending the commission of the act, as in the "divers acts of hostility," said to have been committed "against the subjects and property of the King of Spain," are questions left in the characteristic obscurity, and uncertainty, which have veiled the "head and front of my offending," from any distinct view of it, that might have enabled me to perceive or to divine its *extent.*

I shall hold myself, however, completely dispensed from any obligation or necessity, to pursue further the labyrinths, into which this indefinite member of the charge might lead us: since, I think, if any proposition can be made clear by human evidence, it would be impossible, for the most vindictive accuser, to find any pretext, in the facts of this case, for pushing the charge beyond a simple departure from the letter or spirit of the positive rule of action, supposed to have been prescribed to me; whether it be the Constitution of the United States, or the law of nations, or any instructions that establish the law or rule which I an supposed to have "contravened," or "violated." If I have offended at all, it is in the single transgression of that law or rule: "the head and front of my offending hath that extent—no more." I shall, therefore, leave it to the court, without further remark, to decide, from the evidence, whether it were possible to have conducted a military operation on neutral territory, with a more scrupulous regard to all the rights of person and property, which such an operation could, in the nature of things, have left inviolate. If the act were unlawful in itself, I must abide the consequence; but it lies not, I think, within the compass of human ingenuity or malice, to contend, that the act, as being either lawful in itself, was stripped of its legal sanctions, and had its quality of lawful changed to unlawful; or, as a sheer trespass, that it was inflamed beyond its intrinsic character and degree, by any wanton aggravations or abuses, in the manner and circumstances.

The question then is presented in the simple form: whether the act complained of were, under the circumstances and inducements that led to it, an infraction, either of the *Constitution* of the United States, or of the *law* of *nations,* or of my *instructions* from the Government of the United States; and, in that order I proceed to consider it.

Whether a belligerent operation, in the course of an authorized war, be constitutional or not, is a question which, if it have any significancy, or be capable of any solution, may be considered as nearly identical with the other question suggested by this charge, namely: whether it be consonant to the law of nations, supposing the law, here intended, to consist of the conventional or customary rules, by which civilized nations have agreed to control, and mitigate the ferocity and the calamities incident to a state of war, and which constitute what is called the law of war. All that the Constitution of the United States has to do with the matter is, that it has communicated to the general government the unqualified jurisdiction of war and peace. The power to carry on war, offensive or defensive, involves, in its terms, every right, immediately or remotely, incidental to that state and condition of human society.

In what these incidental rights consist, must be determined by the known or necessary conditions and consequences of war. Whatever of these the most comprehensive signification of the term may embrace, are necessarily constitutional; but the law of war, as it is called, is, in many respects, so vague, and so dependent upon arbitrary views of necessity or expediency, to be judged of by hostile parties, and to be justified by an infinite and incalculable variety of peculiar circumstances, that it scarce furnishes a definite or intelligible rule, by which it may be predicated, of any military operation, that it is either constitutional or unconstitutional. The only constitutional question, therefore, is, whether the war itself were authorized; that is, whether commenced or carried on by that authority to which the Constitution has exclusively delegated this high power.

This brings us to the consideration of the second test, which, it is suggested, should be applied to my conduct, on the occasion in question; and that is the law of nations.

That branch of public law, which determines the correlative rights and duties either of the hostile belligerents, as between themselves, or of neutrals and belligerents, as between themselves; or of allies or co-belligerents, as between themselves, constitutes a voluminous code, which is, perhaps, the theme of as much undeterminate controversy, both as to its principles and its authority, as any that ever undertook to prescribe rules of human conduct; and it would scarce be practicable to deduce from it any definite rule, applicable to the infinitely varied circumstances of actual war; and by which a military officer might be condemned, for a presumed violation of the law. In this case, however, it is not necessary to trouble the court with any reference to the more recondite and theoretical definitions of general rules; because, in so far as my conduct depends, for its justification, upon such rules, it may be referred to an authoritative and practical exposition of them, as applicable to the particular circumstances under which I acted. The rights and duties incidental to a state of war, as it affects every party directly or indirectly concerned, have been the subject of such frequent and elaborate discussion, in our intercourse with foreign nations, and have received such lucid definition and such various illustration from our most eminent statesmen, that we may be said to have compiled and digested, from the best authorities, and the most enlightened views of the subject, a system of public law, upon these topics, which, if it be not generally adopted by the family of civilized nations, as the moral and political influence of our example extends, may, at least, be received, among ourselves, as superseding, to every practical purpose, a reference to

the more general and less applicable doctrines of elementary writers. Our discussions with the powers of Europe, while they were belligerent and we were neutral, have settled, for ourselves, the positive *rights* of neutrals; and our more recent discussions and collisions with one of those powers, while we were belligerent and she neutral, have equally well settled the positive *duties* of neutrals. The rule to be deduced from the latter is so much the more intelligible in its doctrine, and obvious and practical in its application, since it has grown out of collisions and discussions of the belligerent rights of the United States, as correlative to the neutral duties of this very power, Spain, whose territorial sovereignty I am charged with having violated; and more especially of her neutral duties, as determined by the peculiar circumstances of her colonial dependencies—in one of which the scene of my supposed trangression is laid.

The right of a belligerent, in the prosecution of a lawful war, to involve in all the practical consequences of war such parties as, not being enemies, assist the enemy by active or passive co-operation, has been so clearly expounded in the doctrines of public law, and illustrated in the history and practice of our own government, as to leave but little to be said on that subject at this day. Whatsoever ground of controversy may remain, as to the extreme limits or necessary modifications of the rule, depends upon principles entirely foreign to any question applicable to the present case. In so far as the doctrine or practice is now in question, it is placed beyond doubt or controversy by the concurring authority of all the most approved expounders of public law; and, above all, of our wisest statesmen, who have been called upon so frequently to unfold its principles, and apply them, in practice, to the actual condition and relations of the country.

The actual extent of the correlative rights and duties of such parties, and the circumstances that may justify the treatment of them as enemies, are, in some degree, determined by their relative position, either as strictly neutral, or as allies embarked in a common cause; the positive duties of the latter being, of course, increased both in number and obligation, and many acts permitted to a neutral being unlawful in an ally.

If a neutral, through perfidy, partiality, or weakness, (and it is perfectly immaterial which,) permit, or be compelled, by superior force, to suffer his territory to be seized by one belligerent, or, in any manner, used to the annoyance of another, the latter has a perfect right to invade that territory, and use it, and all the means and facilities of war that it affords, to the same extent that his adversary is permitted to use, or has, by force, usurped the same. The territory, the inhabitants, and whatsoever else there may be there, which have been thus converted into means of our annoyance, are, for the time, impressed with the character of enemy, and may be treated accordingly.

It is one of most ordinary and undisputed and least harsh of these rights, to pursue an enemy into neutral territory, if he retreat there for refuge, or take his station there to be ready to sally forth and attack his adversary, as occasion and opportunity may serve. If this abuse of neutral territory proceed from the weakness of the sovereign, and his inability to protect it from violation, the rule is, that at the point and in the degree that his authority ceases to be exerted, with practical efficacy, that of the party injured by its relaxation commences and extends. In the emphatic language of Mr. Adams, "the right of the United States can as little compound with *impotence* as with *perfidy*." All this infers no hostility against the neutral, but proceeds upon the great principle of self defence, which justifies a belligerent to disarm his adversary, turn upon him his own weapons, and deprive him of the permitted or usurped means of annoyance. There may be occasions where the misconduct of a neutral sovereign might expose him to the resentment of the belligerent sovereign, and make him an actual party to the war; but I here speak merely of those incidental rights of actual war, which affect him in his neutral character, and require not the decision of the sovereign will to authorize the enforcement of them, which are inseparable from belligerent operations, and are summarily exerted in the exigency of the moment at the discretion of the commander to whom the conduct of such operations is entrusted. "Of the necessity for which (says Mr. Adams, speaking of the invasion and occupation, by military forces, of neutral territory, including its fortified places and garrisons, whenever the effectual prosecution of hostilities against the enemy shall in the opinion of the general make it necessary) he has the most effectual means of forming a judgment, and the vindication of which is written in every page of the law of nations, as well as in the first law of nature, self defence."*

The principle is not confined to neutral territory, but extends to all the ramifications of neutral sovereignty, and to all the modifications of neutral property; for it is the same identical principle modified by circumstances, that authorizes naval commanders, from the admiral of a fleet to a lieutenant commandant of a schooner or a barge, or even the captain of a privateer, to seize upon the high seas, neutral ships carrying contraband, infringing a blockade, or committing other unneutral acts. In these cases the ships seized are good prize, but like the territory, (of which they are an emanation of sovereignty) they are also liable to temporary seizure and detention, as when found laden with enemy property. This practical exertion of belligerent rights upon the high seas, is in principle just as high-handed an interference with the exclusive domain of foreign sovereignty, in order to repel open or insidious hostility in neutral guise and by neutral means, as any analogous invasion or occupation of the actual territory of the same sovereign. The flag of a nation is just as inviolable an emblem of sovereignty as territory; and the ship that bears it, is constructively a part of the territory, and just as much entitled to protection.

"There will need (to borrow again the language of Mr. Adams, the condensation and force of which may dispense with other illustration) no citations from printed treatises on international law, to prove the correctness of this principle. It is engraven in adamant on the common sense of mankind; no writer upon the laws of nations ever pretended to contradict it; none of any reputation or authority ever omitted to insert it."

I cannot forbear, however, adding to the domestic documents of our public transactions, by which both our belligerent and our neutral rights are so amply unfolded and accurately defined, the authority of the venerable and illustrious Grotius, who may be styled the father of the modern law of nations. In laying down the rule, by which neutrals may expose themselves to the treatment of enemies, he also recommends certain modifications of the strict belligerent right, not as necessary limitations or exceptions to the right, and which a neutral is entitled to insist on; but as being merely *recommended* by a spirit of moderation and humanity, and which a belligerent may disregard according to his own discre-

* Vide American reply by Mr. Adams, to the Spanish note by Mr. Pizarro, on the subject of General Jackson's invasion and occupation of the Floridas, being the letter of November 28, 1818, from Mr. Adams, to our minister at Madrid. 15 Niles' Register, p. 372.

tion, or his estimate of necessity or prudence under existing circumstances, without incurring the odium of violating the established rules of civilized warfare; and it may be satisfactory to the court to see by how many degrees my operations at Foxardo fell short not only of what strict right authorized, but of what the most beneficial construction of the right would have recommended as within the bounds of moderation and humanity; it is also worthy of remark, that this author in the same passage here cited, illustrates belligerent as correlative to neutral rights by the known and conceded right to attack a ship manned by pirates, or a house occupied by robbers, although in that ship or in that house there may be many innocent persons whose lives are endangered by the attack.*

Such are the correlative rights and duties, as between belligerents and parties merely neutral. But their reciprocal rights and duties are infinitely extended when the parties assume the nearer and more intimate relation of allies embarked in a common cause.

An act perfectly lawful in a mere neutral, may be absolutely unlawful in an ally, and subject him to be treated as an enemy by the forces of the other ally. For instance, nothing is more lawful than for a neutral to trade with either or both of the belligerents; yet it is unlawful in the subjects or citizens of an ally, and exposes their ships and other property to seizure as prize, precisely as enemy property; and their persons to captivity and punishment.†

A nation is not bound to wait till the injury is actually felt, from the abuse of neutral or foreign territory; nor even till an enemy appears, who may take advantage of its means, and convert it to purposes of hostility; but in case of imminently approaching and foreseen peril, 'tis lawful it seems to take military occupation of such territory, in anticipation of the injuries that may accrue from expected and future hostility. This is strongly exemplified by the conduct of our government, and the principles on which it was publicly and officially justified in the occupation of Amelia Island and Galveston, the one in the undisputed possession of Spain, and within the uncontested and incontestible limits of her then province of East Florida; the other in the actual possession of Spain, and claimed as within the limits of her then province of West Florida, but within the contested limits of Louisiana. The military establishments at these places, in the hands of certain adventurers, acting under the authority, real or assumed, of some of the revolutionized provinces of South America, were suppressed by military force, and the places held by military occupation, till Amelia Island was restored by an arrangement with the Spanish government.

Among the reasons for this strong measure, given by the President of the United States, in his justificatory expositions of its policy and necessity, one is, that an extensive system of buccaneering throughout the Gulf of Mexico was about to be organized at those establishments, menacing the United States and the whole commercial world with all the horrors of piracy.‡ Then the apprehension of piracy, as the possible and imminent consequence of these obnoxious establishments, justified far stronger measures, and more decided acts of hostility upon Spanish territory than any committed by me in the course of flagrant war against actual pirates, who had established themselves in another part of Spanish territory, where the sovereign authority of Spain was equally relaxed; where these pirates, with whom I was engaged in active hostilities, found shelter and associates with persons under the nominal allegiance to Spain, but who neither felt nor acknowledged her authority for any purpose but as a cloak to their villanies. The documents on this transaction of our government, furnish strong illustrations of the extent to which the great and sound principles of self-defence authorize either *corrective* or preventive measures operating upon neutral territory.

I now come to such of our public transactions, and the documents that illustrate their history, and the principles on which they proceed, as bear the nearest affinity and the strongest analogy both in principle and in circumstance, to the conjuncture in which I was called to exercise a sound discretion in the practical application of these principles, to the actual state and condition of existing circumstances; when, as a naval commander, I was delegated to display the flag, and carry the arms of my country to remote regions; and there upon my sole responsibility, without other counsel than my devotion to her glory and prosperity, to fulfill the imperious duties of this high and most delicate of trusts, by upholding the just power, and vindicating the sovereign rights appertaining to her belligerent character, according to the laws and customs of war, and the dictates of military prudence; rights which I could neither abandon, relax, nor compromise, without diminution of her glory, and derogation from her dignity, nor without bringing contumely on her flag, and overwhelming myself with disgrace.

The principles established by the documents now adverted to regard Spain in her simple character of strict *neutrality*, without reference to her higher and more sacred obligations, or the corresponding claims upon her as an ally.

In the late war with Great Britain, in which the Indians of Florida took part against us, General Jackson was expressly authorized by President Madison to take Pensacola, if it were found to have fostered Indian hostilities by ministering to their wants, and affording them the means of annoyance. "If," proceeds the order, as indited by Secretary Armstrong, "the Spaniards admit into their towns, feed, arm, and co-operate with the hostile Indians, you must *strike* upon the broad principle of self preservation."

The principle thus concisely and forcibly enunciated, was developed and followed out to all its consequences and analogies, in the campaign of 1818, against certain Indian tribes of Florida, called Seminoles and Redsticks, who had commenced hostilities, and carried on the most savage warfare against our southern frontier. Spain being then just as much at peace, and in as positive a state of amity with us, as at any time since. She held the undisputed sovereignty of both the Floridas, where she maintained civil and military governors, numerous garrisons, and fortified places. But the extent of country over which she exercised any practical sway, was very inconsiderable, in proportion to the extensive regions occupied by numerous tribes of savages and outlaws, who nevertheless inhabited a country under her nominal sovereignty; and the physical power of each was in the same proportion.

When General Jackson, in the winter of 1818, took command of the army assembled to repel the incursions of the Indians, he found his predecessor, the second in command, General Gaines, in possession of certain limited and defined instructions for entering Florida in pursuit of the hostile Indians, if it

* Grot. de Jur. bel. & pac., b. 3, ch. 1, p. 4. (3 comp. Gro. p. 95-6-7.)

† Vide Chit. L. N. P. 11 Naide, 4 Rob., 251.

‡ Vide President's several messages to Congress, viz: December 2, 1817, 13 Niles' Reg., p. 237; January 3, 1818, id., p. 338-9, and March 26, 1818, 14 id., p. 100; official correspondence on the same subject, id., p. 169, &c.

should be found necessary to repress their inroads. The savage foe was soon driven to his fastnesses within the Spanish territory and jurisdiction, and pushed by his victorious pursuers to the vicinity of St. Marks, a fortress regularly garrisoned by Spanish troops, and being well ascertained by the general to have been a place of resort for the savages, where they obtained aid and comfort, and were abetted in their hostilities against our frontier, it was entered by our troops with violence, and held during the residue of the campaign. A British subject, domiciled there, under the protection of Spanish laws, was executed as a spy and incendiary, who had instigated the savages to hostility.*

The general then carried his victorious arms to Pensacola, the capital of the province, which was entered by our troops without opposition, the Spanish garrison having retreated to the neighboring fort of Barancas. This last was instantly invested, and, after a severe cannonade, was on the point of being stormed, when the Spanish governor and his garrison entered into a regular capitulation, surrendered the fort, and were transported to Cuba. Thus, in possession of the capital, and of all the strong places of the province, it was treated as a conquered country. Civil and military departments were organized, the laws of Spain continued in force, the preservation of the archives provided for, accompanied by all the minute arrangements usual after conquest. The stated provocation to these acts of hostility, are the inadequacy of the power of Spain to resist the encroachments of the savages; the provision and ammunition with which these last had been supplied, either extorted from the weakness or granted from the bad faith of the Spanish authorities: and lastly, the interruption by the Spanish governor to the passage of supplies from New Orleans for our troops up the river Escambia. The Spanish governor hearing of General Jackson's approach, had issued a proclamation forbidding it in the most indignant terms, and threatening to employ force if he did not immediately evacuate the country. This new and unexpected *enemy*, says the general, was made to feel the impotence of his threats. In the general orders and proclamation, setting forth these and other reasons for the measure, it is justified by the sacred and immutable laws of self-defence, as Spanish authority could not be maintained in Pensacola.† Having thus overrun one Spanish province, expelled its garrisons, and taken all its strong places, and thinking, with good reason, that Indian hostilities had been effectually checked, the general retired from the field. But hearing, in the course of the summer, fresh accounts of renewed or threatened hostilities, and of continued abuses of Spanish territory and means to our prejudice, he dispatched an order to General Gaines, directing him, if he should be satisfied of the fact of the Indians having been excited to hostility by Spanish agents and officers about St. Augustine, and fed and furnished from that place, immediately to occupy it, and the garrison as prisoners. This order was countermanded by the Secretary of War, not from any disapprobation of what had been done, or was about to be done, but because an amicable arrangement had in the meantime, and unknown to General Jackson, been made between the two governments for the restoration, upon certain conditions, of the Spanish posts already taken; with which arrangement it would have been altogether inconsistent to have proceeded with the capture of St. Augustine. All this was fully and satisfactorily explained to General Jackson.‡

These proceedings became the subject of the most animated and spirited controversy between the two governments. It was also doubted by many and respectable citizens, both in public and in private life, whether the general had not transcended his authority, and exercised the power of war and peace beyond all constitutional limits; and it became the subject of long and serious debates in Congress. But his conduct, in all its extent, was elaborately and victoriously justified by our government, in all its relations and departments, foreign and domestic. The complaints of Spanish ministers were triumphantly answered, and finally silenced, by the official replies of the Secretary of State. The messages of the President to both houses of Congress explained and justified the grounds of the general's procedure, and the vote of the House of Representatives adopted and confirmed the justification offered by the Executive.§ Against all which, there remained nothing to be set off but an adverse report of a committee of the Senate, which has been suffered ever since to repose in utter neglect, notwithstanding the general at the next session presented a memorial to the Senate, remonstrating in free and decided terms against the course of investigation pursued by the committee, as unfair, and against their conclusions as unsound in doctrine, and as resulting from partial and uncandid views of the subject.

Now let the principles so clearly deduced from these most authoritative precedents, be applied to my situation and conduct, as commander of the squadron in the West Indies, engaged in actual war against the pirates.

From a variety of causes, too obvious to be mentioned, the Spanish islands in the West Indies were, for the most part, more destitute of any practical, steady, and efficient government and police than the inhabited parts of the Floridas. The pirates who sought shelter there were not, like the miserable savages of Florida, insulated and cut off from access to other quarters for relief, so as to be dependent on Spanish towns and garrisons for occasional supplies of provisions, arms, and ammunition. On the contrary, their enterprising and successful piracies, and the accumulated plunder of land and sea, gave them influence and favor in the more barren and thinly inhabited districts, and in some of the more considerable towns and settlements; while their numbers, their resources, and their ferocity, overawed and intimidated those who were not seduced by participation in the spoils of piratical enterprise. When the hot pursuit of our cruisers had driven them from the sea, and destroyed all their vessels capable of keeping the sea, they retreated into various parts of Cuba and Porto Rico; in some places banded themselves against the local authorities, and effectually defied every effort to reduce them. In other places they assumed various disguises, as fishermen, drougers, pedlers, &c., &c. As fishermen, they built huts and villages upon the coasts of these two islands, and kept up a constant intercourse with the inhabitants, from whom it was extremely difficult to distinguish them. The innumerable bays, inlets, shoals, and harbors about these islands enabled them

* Vide Gen. Jackson's official reports to the Secretary of War, 25th March, 8th April, and 5th May, 1818; Niles' Register, vol. 15, p. 307, 308, 311.

† Vide General Jackson's general order, giving detailed account of the campaign, dated Barancas, May 29, 1818; his proclamation of the same date—the capitulation of Barancas, &c., &c.; Niles' Register for July, 1818, vol. 14, p. 334-6. Also his letter to the Secretary of War, June 2, 1818, and other documents, id., vol. 15, p. 319-21.

‡ Vide General Jackson's order to General Gaines, August 7, 1818; his letter to the same, August 10, 1818; and the Secretary of War's countermand to General Gaines, September 1, 1818. Niles' Register, vol. 16, p. 80-1.

§ Vide President's message to Congress, March 25, 1818. Niles' Register for April, 1818, vol. 14, p. 100. President's message, November 17, 1818, id., vol. 15, p. 213. Note from the Spanish Secretary of State to the American minister at Madrid, August 29, 1818, and the reply of Mr. Adams, November 28, 1818. Niles' Register, vol. 15, p. 367, 9, &c. General Jackson's memorial to the Senate, id., vol. 18, p. 329.

to conceal the boats in which they nightly sallied forth from their holds, and committed innumerable piracies, as well upon the high seas as in the towns and settlements on the neighboring coasts. They then retreated with their plunder to their secret haunts, reässumed their disguises, and eluded detection and pursuit. They were occasionally, however, detected—their huts and villages, with all their boats, fishing tackle, &c., burnt and destroyed. Several instances of these descents upon the coasts of Cuba and Porto Rico, by the officers of my squadron, are found in the official correspondence and reports, now before the court, especially in my report to the Secretary of the Navy, and in the report of Captain Cassin, and Lieutenant Commandant Kearney to me, in the spring and summer of 1823.* This state and condition of the Spanish islands was not only perfectly notorious, but has been officially ascertained and promulgated, and is now matter of authentic history; for in the President's messages to Congress, on the 2d December, 1823 and 1824, and the reports of the Secretary of the Navy on the 1st December in the same years, accompanying those messages, all these facts are fully detailed; the good dispositions of the colonial government, at least of the Governor of Cuba, are acknowledged; and the toleration of the piratical establishments within their jurisdictions explained by the weakness of their means, and the relaxed state of their authority. So strong were these representations that, at the last session, a bill was introduced and seriously debated, authorizing a blockade of the Spanish ports in Cuba and Porto Rico—the latter having been designated in the official communications from the President as affording the most numerous haunts for pirates.

As to Foxardo, you have it clearly proved how notorious were that town and district, and an extensive tract of country around, as the most pernicious haunts for pirates, including two other noted places on the same coast, called Naguaba and Bocca del Inferno, from twenty to twenty-five miles from Foxardo, and equally notorious for the resort of pirates, and as receptacles for their plunder. It was to the latter of these places, known by so characteristic an appellation, that the crew of the piratical vessel driven on shore by Lieutenant Sloat attempted to retreat, as reported in his letter to the Secretary of the Navy on the 19th March last. I did not, however, act upon the sole authority of report and notoriety, more than sufficient as they are when sufficiently credible to justify military movements. It was not till an American merchant, resident at St. Thomas, had been robbed of property to a considerable amount, in one of these marauding expeditions, traced upon credible information to Foxardo, nor until after an officer of my squadron, who had landed in the most peaceable and inoffensive manner to inquire after the pirates and the plunder, had been treacherously seized and disgracefully treated at Foxardo that I determined to land and make an impression upon that place. I presume no military or naval officer is to be blamed for acting upon credible and circumstantial information; he is not to be expected to wait for either legal or moral certainty of proof. The necessity and propriety of the measure, and the correctness of the information upon which I proceeded, are amply confirmed, 'Tis in proof that the spontaneous opinion of the merchants of St. Thomas and of the whole squadron, without any particular communication from me, was clear and decided, not only for the necessity and propriety of the measure, but that it must and would be executed. My intentions were as clearly inferred, from what circumstances decided that they ought to be, as if I had fully declared them. The whole course and event of the action entirely confirmed every anticipation. I no sooner approached the harbor under the most unequivocal demonstrations of the real character of my squadron than I found a party no wise distinguishable in arms, equipments, or appearance from the pirates usually found on shore, and who, in the instances before mentioned, had attacked Captain Cassin and Lieutenants Kearney and Newton, by whom their villages and huts had been burnt and destroyed.

This party stood ready, with two guns, on a point of rock, and the instant I had anchored, without one act of hostility or menace on my part, and without any previous parley on theirs, commenced hostilities by training the guns on my nearest vessel, and then on the boat which was approaching the shore; and nothing, I presume, but the perplexity in which they were kept between the two objects, prevented them from firing on us; they dispersed before our party reached their battery, the guns of which we spiked. We found the village entirely deserted—no human being to be found with whom we could hold parley. When it is recollected that I had established a good understanding with the Governors of Cuba and Porto Rico; was acting in concert with them, had remitted to their jurisdiction pirates whom we had taken, and who had been punished by the local governments; when all this was known and notorious, how could I, in reason, account for these demonstrations of hostility, immediately on my approach to the harbor of Foxardo, and for the flight of the party, and the desertion of the village? Was I not authorized, nay bound, to conclude from the circumstances, taken in connection with the infamous character of the place, that it was a piratical establishment? Did it not require, at any rate, further investigation, and that I should proceed to examine into the state of things at the small town of Foxardo, only a mile or two from the harbor? Nothing, I think, can exceed the caution and moderation with which I proceeded. A flag was sent in advance with a letter, addressed to a sort of inferior magistrate called an alcalde, the only officer, except a very low and disreputable person called the captain of the port, who was to be found there. As we followed the flag into the interior, the most perfect order prevailed among our troops; and no whisper of complaint has been heard of the slightest injury to the persons or property of the inhabitants. The further we advanced, new circumstances of suspicion to confirm all we had heard, and all we had inferred from what happened at our first landing arose. There was the same irregular assemblage of armed men; equally equivocal in character and appearance, as those who had been dispersed at the battery, without any of the ordinary badges to distinguish them as belonging to the government of the country; and, by their causeless hostility, justifying the worst suspicions of their character and intentions. When I met the alcalde, accompanied by some of the better sort from the town, he excused himself, for his conduct to Lieuts. Platt and Ritchie, as under *compulsion* from *others:* and this was repeated to Lieut. Platt, by the interpreter and another person in the alcalde's train. The nature of the person and the persons from whom it proceeded were not explained; and as Lieut. Platt declares, there appeared some strange mystery about the transaction. The mystery may, perhaps, be very satisfactorily cleared up; when it is recollected Lieuts. Platt and Ritchie, at their former visit, had at first been received by the alcalde with civility; but that the rabble were extremely exasperated against them. From all which, connected with the infamy of the place, and the very suspicious conduct and appearance of the people

* Vide documents accompanying the President's Message to Congress, 2d December, 1823, p. 156, 157, 174.

whom we encountered, it might reasonably enough be concluded, that the pirates were strong both in numbers and influence, and had overawed and held in subjection the miserable functionary, who bore the badge without the substance of a regularly constituted authority: which it would have been absurd, and derogatory to any government to have treated as qualified to challenge the respect due to a sovereign in the person of his representative.

Then, was not here presented a clear case of "the jurisdiction of Spain ceasing at the point where her weakness failed to maintain her authority?"

What possible distinction between the hostile appropriation of Spanish territory and Spanish means, to our injury, by the pirates in this instance, and by the Seminoles and other savages in Florida? In truth, every circumstance and every reason that were admitted as the most triumphant justification of the course pursued in the campaign in Florida, are here more clear and pronounced; and yet because I merely displayed my force on Spanish territory, by way of intimidation; exacted an apology for the past, and promise of amendment for the future; and spike two guns from which, on leaving the harbor, I should have been in imminent danger of a raking fire, from a lawless banditti, who might have secreted themselves from pursuit and punishment: for this have I been recalled in displeasure, and subjected to a rigorous and penal prosecution: notwithstanding the clear proof, now manifest to the court, that the most beneficial consequences had resulted from this operation: that instead of producing any impediment to the service, from the ill-will either of the authorities or inhabitants of the island, it served to awe the disaffected, and inspire universal respect for our arms and character. From the subsequent correspondence of Lieut. Sloat, it appears that Governor Torre had been reported to have dropped some hasty expressions of anger; but if he really uttered such, it was a momentary ebullition; for his letter to Lieut. Sloat, of the 17th March last, sufficiently demonstrates his good-will; and, indeed, contains warmer expressions of thanks for our exertions, than are to be found in any of his preceding communications. The effect upon the public in general was decided and instantaneous; indeed the increased respect and confidence in the vigor, determination, and efficiency of our measures; and the consequent facilities likely to be obtained, in the pursuit of our object, exceeded all expectation. The public honors bestowed on Lieut. Platt, at Ponce, only forty miles from Foxardo, and expressly on account of the share he had borne in the affair of Foxardo, may give some idea of the prevailing sentiment.

As I have said, nothing could exceed the astonishment with which I received an intimation of the displeasure of my own government. The only apprehension I entertained, and the only circumstance having the remotest tendency to self-reproach in the whole affair, were, that I had fallen too far short of the point to which my authority would have reached, and to which my duty under existing circumstances should have pushed it: and, at this day, if I were under trial for not having seized and garrisoned or destroyed the village at the harbor, and even the town of Foxardo, as pernicious pirate nests; for not having arrested and made prisoners the people; or those at any rate who had made any demonstrations of hostility; I should have conceived myself in far more danger of censure, for having left undone those things which I ought to have done, than now, for doing those things which I ought not to have done.

My best, if not my only defence, in such case would have been, the want of the force and the means necessary to give complete effect to the operation; and the eventual benefits resulting from the actual and more moderate operation.

It may possibly be doubted whether the pursuit and arrest of pirates on the high seas under a regular commission from a sovereign power, and with the public armed force of the country, be a *war* or a mere exertion of the power of internal police for the arrest and judicial punishment of criminals. In short the want of a regular declaration of war may be insisted on.

It is a remarkable fact, that what with the continually recurring wars with the Indian tribes, the Barbary States, and more recently with England, not omitting what has been called the *quasi* war with France, in 1798, this country has enjoyed but very short intervals of peace since the formation of the government; and yet, there stands upon record but the single instance of a declaration of war, in that against England, on the 18th June, 1812. The Constitution has vested in Congress, the exclusive power of declaring war; but they may also provide for the calling out of the necessary force to suppress insurrections and repel invasion: and they have executed this last power by a special act of Congress empowering the President to call out the proper force on such occasions. All our Indian wars, with every characteristic and concomitant of the most regular *war*, have resulted from the mere act of having placed at the disposal of the President a military force, for the protection of the frontier, and to repel the hostile incursions of the Indians. The war commencing in this merely defensive operation, has resulted in all the incidental consequences, which we have seen exemplified in General Jackson's campaign in Florida, and in all the preceding Indian wars; for none of them were commenced under any more formal declaration, or with any more solemn preliminaries, than that of a hostile invasion repelled by force; and of a defensive war pushed, in its consequences, to offensive operations in order to make the defence effectual and complete. So the wars with the Barbary States were commenced in the same way: a naval force is placed at the disposal of the President, for the protection of our commerce, against the Barbary cruisers, and the history of our naval operations is too well known to this court to justify me in taking up their time, by recounting the captures by sea, the blockades, the menaced bombardments, the intercepting of enemy property in neutral bottoms, and all the other concomitants and incidents of the most regular of maratime wars which have resulted from this simple measure of defence. So the modified hostilities with France, limited, as they were supposed to be, by the terms of the law that authorized them, to a mere resistance of the abused right of search, and to the capture of such of their public or private armed ships as should be found committing aggressions upon our commerce, immediately blazed out in all the ardor of a maritime war, unlimited in its spirit and extent but by the scarcity of objects, in the condition of the French marine, upon which the valor and enterprise of our navy could be displayed. We did not wait till a French frigate or armed cruiser could be met flagrant with aggression, but in what place, condition or circumstances soever met, she was instantly attacked, taken, and held as lawful prize of war.

This war against the pirates in the West Indies, was just as formally declared as any of our preceding wars by land or sea, except the late war with England, and carried with it all the concomitants and incidents of a public war; without regard to the form of the preliminaries, or the circumstances of its commencement. The machine once put in motion, was impelled by its own inherent energies, without the help of proclamations or other paper muniments.

A naval force was placed by a law of Congress at the disposal of the President, to be employed in

the most effectual way according to the best of his judgment, and under suitable instructions to the commanders, in repelling the aggressions and depredations of the pirates.* Under the authority of this act, and the instructions of the President, the war against the pirates was commenced and carried on. That it was a regular war against public enemies, and entitled not only to equal but to greater respect from other nations, than ordinary wars, is clearly established by reason and authority. Pirates are not the enemies of one nation only, but of the whole human race, and all civilized nations are, or ought to be in league against them; there can, in the nature of things, be no neutrals in such a war. As I have before remarked, the rights of war in general, seem to have been derived for the most part from the analogies of war against pirates. We find that the President, in his message to Congress, explaining and justifying the conduct of General Jackson, towards the Spanish authorities in Florida, enumerates their encouragement of buccaneering, as one of the enormities which has forfeited their neutral character; and General Jackson himself, in his official correspondence, justifying the apparent severity of his proceeeings against persons claiming Spanish protection, can find no more emphatic reprobation of their character, as placing them and their abettors out of the pale of the law of nations, and justifying every extremity against both, than to denominate them land pirates. Grotius, as I have remarked, infers belligerent rights, in regard to third parties, not being enemies, from the analogous right to destroy pirates, though to the danger and probable damage of innocent persons.

If the question rested on general reason and authority, it would seem to be settled. But I have a stronger and more practical warrant, in the very instructions which I am charged with having violated: a document that loses none of the authority due to its official character, from having been signed, and probably indited by a gentleman whose talents and learning have illustrated a high judicial station in New York, before he was called to the administration of the Navy Department; and are now added to the splendid assemblage of the same qualities, on the bench of the Supreme Court of the United States. These instructions lay down the doctrine, and apply it to the actual case, in terms that leave not the shadow of a doubt, as to the relations in which I was to hold myself, as well towards the pirates as the Spanish authorities and people.

"You will announce (says my letter of instructions) your arrival and object to the authorities, civil and military, of the Island of Cuba, and endeavor to obtain, as far as shall be practicable, their co-operation, or at least their favorable and friendly support, giving them the most unequivocal assurance that your sole object is the destruction of pirates.

"The system of piracy which has grown up in the West Indies, has obviously arisen from the war between Spain and the new governments, her late provinces in this hemisphere, and from the limited force in the islands and their sparse population, many portions of each being entirely uninhabited and desolate, to which the active authority of the government does not extend. It is understood that establishments have been made by parties of these banditti in those uninhabited parts, to which they carry their plunder, and retreat in time of danger. It cannot be presumed that the government of any island will afford any protection or countenance to such robbers. It may, on the contrary, confidently be believed that all governments, and particularly those most exposed, will afford all means in their power for their suppression. Pirates are considered, by the laws of nations, the enemies of the human race. It is the duty of all nations to put them down; and none who respect their own character or interest will refuse to do it, much less afford them an asylum and protection. The nation that makes the greatest exertions to suppress such banditti, has the greatest merit. In making such exertions it has a right to the aid of every other power to the extent of its means, and to the enjoyment, under its sanction, of all its rights in the pursuit of the object. In the case of belligerents, where the army of one party enters the territory of a neutral power, the army of the other has a right to follow it there.

"In the case of pirates, the right of the armed force of one power to follow them into the territory of another, is more complete. In regard to pirates there is no neutral party; they being the enemies of the human race all nations are parties against them, and may be considered as allies."

I lost no time in establishing an understanding with the Governors of Porto Rico and Cuba, as recommended by these instructions; and, as fully appears from the documents accompanying the President's message to Congress, December 2, 1823, before referred to. From these it has been seen that both the governors recognized, without hesitation, the meritorious character of the war; pledged themselves for every aid and co-operation in their power; that, in various instances, they did co-operate, and actually received prisoners taken by our squadron, both at sea and on land, and had them executed. Thus, the presumption upon which my instructions proceeded, that the local governments of these islands were to be considered and treated as allies, in a regular war, was confirmed and consolidated into a solemn compact, followed by all the practical and open evidences of alliance and common cause.

I conceive it to have been clearly made out that, in the simple character of neutrals, the conduct of the people of Foxardo would have justified stronger measures than any adopted by me towards them; but, as the subjects of an ally embarked in a common cause, they were out of the pale of protection from their own state; they were identified with the enemy of their own state, and the worst species of enemy—pirates.

They were themselves either actually or constructively pirates; and, in attacking and subduing them (if I had gone that length) I should have attacked and subdued the enemies of the very state whose territory and sovereignty I am charged with having violated.

The only question, then, that remains, is, whether it were a violation of my instructions to have awed these people into some regard for their own duties towards both the *allies*, and some greater respect to *the allied arms*, by a display of military power—pushed no further than to produce the moral effect of operating on their fears, by a demonstration of what we could and would do if they persisted in their iniquities. The question, then, may be reduced to this: whether a set of instructions that passed through the hands of so eminent a lawyer and judge as Secretary Thompson, and had received the sanction of his name, had been so improvidently phrased as to forbid me from doing the very thing I was sent to do, namely, from protecting the *commerce* and the *citizens* of the United States from piracy, when it should so happen that the perpetrators, or, what is the same thing, the abettors, associates and accessories of the perpetrators, and so identified in appearance and circumstance with them as rendered it impracticable to make any specific distinction between principal and accessory, appeared, in the persons who had

* Vide act of March 3, 1819, vol. 6, p. 412.

added to the crime of piracy that of flying in the face of the authority of that government under which they pretended to live: an absurdity upon the face of the proposition, and, therefore, impossible to be inferred from any sensible and well advised instructions.

Still, it may be more satisfactory to enter into some analysis of that document, in order to see if its terms give any color to so strange an imputation on its consistency.

Let it be remembered that the question is not whether my instructions, in terms, import an authority to do the act, but whether they prohibit it. It has already been shown, from reason, authority and precedent, that, in proceeding upon the principle of self-defence, to attack or repel the enemy by the same means that he uses for our annoyance, no act of hostility is supposed to be committed against the neutral or allied sovereign when his territory or his subjects are involved in the consequences of belligerent operations.

That it was not to attack or to punish Spain, but simply to repel the attack of the enemy through her instrumentality, and with her means, was the principle assumed throughout the whole of General Jackson's justification. To have made war upon Spain, for any cause; either for her violation of treaties, or for her breach of neutrality, could have been justified in no other way, but by the express authority of Congress, who have the exclusive jurisdiction of peace and war, and are the exclusive judges when and for what provocations war shall be declared. It is for them, and them alone, to decide whether national insults or injuries shall be resented or waived. The utmost extent of the President's power, is to call out the force of the nation to repel invasions; in the exercise of which power, it is true, almost all our belligerent operations, since the existence of the government, have been carried on. All these operations, then, upon Spanish territory and subjects, by way of self-defence against our enemy, result from the incidental rights of actual war, as fully vested in every naval or military commander, to whose hands the arms of the republic are committed, as in the President himself. The only difference is, that the President, in his quality of commander-in-chief, may restrain or modify, at pleasure, the practical exercise of the right, by them in command under him; but, in the absence of such restraining order, these high belligerent rights exist, in their full force, in the person of the officer in the immediate command, whatever be his rank. Upon that principle was the capture of the Spanish towns and posts in Florida, explained and justified. The American note, before cited, expressly states, that General Jackson had no order, from his government, to take them; but that he decided, from his own discretion, upon the measure; "of the necessity for which he had the most *effectual means* of forming a *judgment;* and the vindication of which is written in every page of the law of nations, as well as in the first law of nature—self-defence."

Then my justification requires no order or instruc ion commanding or authorizing, while it is indispensable, to the crimination of my conduct, that some order should be shown forbidding me to exercise the otherwise clear right to adopt the highly expedient, necessary, and, in all its *public results*, most fortunate measure, now in question. The incidental power, to its fullest extent, was inherent to my command; unless that command had been stripped of it, by a positive order. This brings us directly to the question, whether my instructions, of the 1st February, 1823, do, in terms, forbid me to exercise this power. I maintain, not only that there is the absence of any such prohibition, express or implied, but that the course of conduct which I pursued, is enjoined by my instructions; and if I had neglected that injunction, I should at once have basely betrayed the high and sovereign rights of war; with which the glory and safety of the nation are so essentially connected; and have violated the letter and spirit of my instructions, by a course of conduct directly opposite to that, now imputed to me, as a disobedience of orders.

I shall proceed to lay down a few simple rules of interpretation, by which the sense, in which I clearly understood and acted, upon my instructions, may be demonstrated, as their true import and meaning.

1. The reason or final cause, the main end to be accomplished, deserves the first consideration. Then, I was appointed to the command of the squadron, for the purpose of "repressing piracy, and affording *effectual* protection to the *citizens* and *commerce* of the United States." I am told that it is "my duty to protect our commerce against all unlawful interruptions, and to guard the rights both of *persons* and *property* of the *citizens* of the United States *wherever* it shall become necessary." Such is the final cause, or end of the armament. It was upon this principle, mainly, that General Jackson rested the justification of his procedure in Florida, when he appealed to his instructions, from the War Department, in which he was informed that the "honor and interest of the United States, required a speedy and successful termination of the war:" and, he argues, that he pursued the only means by which he could have effectuated that intent; and that the intent, both general and particular, expressed in the order, justified the means: those means being, in themselves, entirely conformable to the established laws and usages of war.*

The means, by which I was to have accomplished the object of my command, were left to my discretion, under the guidance of some general rules. The limitations of my authority from which anything like a prohibition may be inferred, are expressed in two clauses. I am, in the first place, told that "where a *government exists* and *is felt*, you will, in all instances, respect the *local authorities;* and only act in aid of, and co-operation with them:" and again, "in no case are you to pursue and apprehend any one, after having been forbidden to do so, by *competent authority* of the *local governments.*" Now the the term "government," or "local government," certainly means the supreme power of the country; and, in reference to the Spanish islands, means the several provincial governments there established, called *local*, in contradistinction to the government of the mother country, which is supreme over all. It cannot be pretended, that the term comprehends the inferior magistrates of obscure towns and villages. Then this government must not only *exist*, but must be *felt:* and felt to what purpose, and to what extent? Surely, to no less than to maintain, practically and efficiently, its sovereign and active authority, in the country; to the purpose and to the extent of holding it inviolate, from the inroads of the common enemy. In a preceding part of the instructions, places to which the "*active authority* of the government does not extend," are spoken of: nor can it be less than the active authority of the government, in any case, that I was bound to respect. I am told, repeatedly, in my instructions, that I am to *presume* that the Spanish *authorities* and *people* will make common cause with me, and cordially co-operate with me: I am told so in the very clause which requires me to respect the local governments: and strange, indeed, if I had been required to respect them on any other terms. I was acting, not only upon this presumption, but upon the faith of direct and positive assurances from these very local governments, that they would so

* Vide Niles' Register, vol. 18, p. 321-2.

co-operate; confirmed by unequivocal acts of co-operation. When I came to discover, upon these islands, extensive settlements of pirates, in the various disguises of fishermen, &c.; when I found considerable districts, in the possession, or under the controlling influence, of pirates; would it have comported with due respect to the local governments, to have *presumed* that such infamous abuses were by their authority; and that, by attacking the pirates, I should be invading the rights and dignity of the governments? Are these pirates to be viewed, in such circumstances, as "Spanish authorities, or people," in the sense of my instructions?

If such were the presumptions upon which we were to act, we committed innumerable transgressions, in the instances of the several piratical establishments broken up and destroyed, without complaint, on the coast of Cuba, as before mentioned.

But the meaning of this injunction, to respect the local authorities, where a government exists and is *felt*, is decided by its immediate context; for it goes on to direct that I shall only act in *aid* of, and *co-operation* with, them. Now the one of these injunctions, is just as obligatory as the other: those whom I am to *respect*, I must *co-operate with and aid:* they must be in a condition to challenge the observance of both, or of neither. Then, if I am to respect the people and authorities of the islands, who are identified in character and conduct, with the pirates, I must also act in aid of and co-operation with them; and how consistent this may be, the main end and aim of repressing piracy, and affording effectual protection to the commerce and citizens of the United States, needs no remark to illustrate. When I am told that I must not continue the pursuit of pirates on shore, "after having been forbidden to do so by *competent authority* of the local government," should I have been justified in accepting the prohibition of the pirates themselves; or of their known, or strongly suspected associates and accessories, as from such competent authority? The only prohibition ever received by me, was in the form of open hostility and resistance, no otherwise to be accounted for, than as an attack upon the suppressors, and a defence of the professors of piracy. Lieut. Platt was not forbidden the pursuit and inquiry which occasioned his first visit to Foxardo: but he was at first received with insidious civility, and a professed respect to his official character, and in that guise conducted to the town, where the treatment he afterwards received was equally unaccountable, upon any other ground than that of the people, or a majority of them, making common cause, or being identified with the pirates. I am further directed, if the crews of any vessels, which I have either seen engaged in acts of piracy, or have just cause to *suspect*, as being of that character, retreat into the ports, harbors, or settled parts of the islands, I may enter in pursuit of them, for the purpose of aiding the local *authorities*, or people, as the case may be, to seize and bring the offender to justice; previously giving notice, that it is my sole object. Then here is an affirmative direction, (not necessary to communicate the authority, but only declaratory of an authority already inherent to my command,) to pursue the enemy into the ports, harbors, and settled parts of the island, but qualified by a limitation, which necessarily supposes that there are *authorities* or *people* present, who have the will, and, with my aid, the *power* to seize the offenders, and bring them to justice. But suppose no *authorities* or *people* of that description are to be found; and though the country be ever so thickly settled, it is occupied and held by pirates and their accessories, who exert a controlling influence and effective power over the district, and hold what people and authorities there may be, in check, or in close alliance: is not the hypothesis, upon which the limitation of my otherwise absolute authority is expressly founded, done away, and is not that authority consequently left in its pristine force? Is there any possible construction of the document that could require of me to aid and assist people to seize and bring themselves to justice? The very case put by my instructions, as requiring the pursuit of the piratical crew, was presented. I had just cause more than to suspect that such a crew, which had robbed an "American citizen" at St. Thomas, had retreated with their plunder to Foxardo; and, in the pursuit of them, I am encountered at the threshold by men of the most equivocal appearance, who stand forward to resist the *pursuers* and defend the pursued without parley or warning of any kind. Then, was I not bound to conclude, that these men knew what they were about, and that the defenders and the persons pursued were the same? I knew to a certainty that they were not, and, in the nature of things, could not be, acting under the authority of the local government; but I had the strongest grounds to presume that they were acting against it. What reason had I to presume that they had any better authority than the pirates who fired upon Captain Cassin, near Cayo Blanco, and upon Lieutenants Kearney and Newton at Cape Cruz; and who, on other occasions, and at other places, committed the like violence, and, upon being pursued to the interior, were found to be settled in fishing villages, defended by cannon advantageously posted on the rocks?

It seems to me plainly impossible to construe my instructions as a prohibition of the operation upon Foxardo, consistently either with their context, or with the prominent and declared reason, or final cause of the course of service which they prescribed. A learned and judicious author has said, that "the nature of every law must be judged of by the *end* for which it was made, and by the aptness of things therein prescribed, unto the same end;" a rule which absolutely concludes the present question.

2. The rule, which requires an expression to be interpreted from its relation to what goes before, and what follows the place where it stands, "has been embraced under the head of *rational interpretation* already considered." But another rule, entering largely into every question of interpretation, is derived from "the circumstance of the same, or equivalent expressions being used by the same person, to express the same intentions, on other similar occasions."*

Upon this point, it becomes material to examine the orders or instructions under which General Jackson acted, in the campaign before mentioned. The restrictive clauses of these orders, being more directly to the point, shall be more particularly noticed: they are explained by two documents: 1st—The President's message to Congress, March 25, 1818, declares that "to the high obligations and privileges of the great and sacred right of self-defence, *will* the movement of our troops be *confined; orders* are accordingly given to the general, *not* to *enter* Florida, but in pursuit of the enemy; and in that case to respect the Spanish authority wherever it is *maintained*."† 2dly—in Mr. Adams' letter to our minister at Madrid, the order is laid down in nearly the same terms.‡ The only difference between the terms of the restriction upon him, and upon me, is that in my case, the government must be *felt;* in his, its authority maintained—and what difference there may be between these terms may be explained, (if indeed explanation can be necessary,) by a reference to the President's subsequent message, of Novem-

* 3 Cam. Grot., p. 145, sec. 7. † Vide Niles' Reg., vol. 15, p. 100. ‡ Vide ibid, p. 371.

ber 17th, 1818, where this very expression of a government being felt is used;* and though there was a regularly organized colonial government, in possession of towns and fortified places, with well appointed garrisons, within the precincts of which Spanish authority was paramount and undisputed; yet, because their authority was confined almost exclusively to the walls of St. Augustine, Pensacola, &c., because they could not exercise an efficient and active authority over those without the walls; and because all these strongholds were made subservient to the purposes of Indian hostility, the authority of the government was held not to have been "maintained," not to have been "*felt*," even within the walls of places garrisoned by their troops; not even in the capitals of their provinces, where the government actually resided. These very places were taken, because the authority of the government was not maintained or felt, to the extent required by her neutral duties, and necessary to give effect to our lawful means of repressing Indian hostilities. When the general found that the government was not sufficiently *maintained* or felt, to fulfill the final cause or end of his military operations, but tended to defeat it, he was justified in concluding that it was not *maintained* or *felt* to the degree supposed by the limitation in his instructions, and of course that the *limitation* fell with the hypothesis upon which it was founded.

Lest it be surmised that the government was secretly actuated by any policy to attack and undermine Spanish power in the Floridas, not applicable to the state of things in the West Indies, (if it be necessary to vindicate the government against any sort of double dealing.) I may refer to the successive orders from the War Department to Generals Gaines and Jackson, from the 2d December, 1817, to the 6th February, 1818.† By these it appears, that it was contrary to the policy and inclination of the United States, to be embroiled with Spain at that time. The state of the pending negotiation is referred to as rendering it impolitic to provoke her; and General Gaines is instructed, that, if the Indians, when pursued into Florida, *shelter* themselves under a Spanish *fort*, he is to stop, and give notice to the government.

A practical construction is given to my orders, by the toleration of all the previous descents upon Cuba and Porto Rico, followed by the destruction of settlements, having all the appearance of innocent fishing villages, where were assembled men, women, and children, of all ages; and which were, nevertheless, found to belong to pirates, in disguise.‡

But, suppose I have failed to establish the construction of my orders, as understood by myself, and now explained; does it follow that I am guilty of any *disobedience* of *orders*, under the naval articles of war? The negative may be clearly maintained, on two grounds.

1. The articles of war look only to orders given by a *superior* officer in immediate command; not to general instructions from the government; the observance of which, it is supposed, the government has, in its own hands, the means of enforcing.

2. The instructions are *discretionary;* and no officer can be charged with the breach of a discretionary order, unless he willfully and corruptly misconstrue and pervert them. For no mistake of judgment can be, in the nature of things, punishable. Here is the law of nations laid down to me in my instructions; to be applied in a great variety of supposed circumstances, to facts as they arise. A number of rules, defining the relative rights of the parties are prescribed, requiring the exercise of discreet judgment to expound them. I apprehend it to be impossible for any man to review the circumstances of this case, without admitting, whatever be his opinion of my judgment, or my reasoning, that I might not, in the honest exercise of my reason and judgment, have done the act with which I am charged.

To bring me within the scope of this most penal charge, it must appear, that I was either positively ordered to do something that I omitted, or positively forbidden to do something that I did; or that, under pretence of executing a discretionary authority, I corruptly or maliciously abused it.

Second charge and specification.

The second branch of the accusation has, from the first, occasioned me no little perplexity, which has, in no degree, been relieved by any elucidation in the course of the present trial. Whether any, and what sort of justification it made incumbent on me, was not so easy to determine, from any matter of crimination, either distinctly pronounced, or properly to be inferred from the context of the charge or the specifications.

The process neither of the evidence, nor of the argument, by which the gist of the prosecution, and the points on which it turned, should have been distinctly explained, or openly vindicated, has tended to possess me with any more clear or detailed information of the specific quality and degree of the offence with which I was to be charged, or of the penal consequences supposed to be attached to it, than might have been collected from the extremely vague and indefinite, if not unintelligible, terms of the charge and the specifications. Indeed, the impenetrable reserve, affecting mystery, if not studious of concealment, by which such dim and partial views of these points have been vouchsafed, would seem to indicate the darkest suspicions, and a necessity for a prosecution as unrelenting in its purpose, and as unscrupulous in its means, as could be, at all admissible in any judicial procedure, as if it were dealing with some wily and veteran offender, skilled and experienced in all the subtilties of evasion; and who was to be caught in his iniquities only by pouncing upon him unawares, and by concealing from him the quarter of attack, till the unseen blow, pushed home and felt in all its force, should have overwhelmed him with the shame of open detection, while unprovided with a subterfuge, and cut off from all retreat.

I was instructed by the clear and unhesitating advice of my counsel, confirmed by as clear an insight into the merits of the question as could be obtained by my own common sense, to conclude that this branch of the accusation purported to charge me with no offence of which this court had any judicial cognizance; and my own conscience, as far as it had been enlightened by any knowledge or conjecture of the transactions, so darkly alluded to, was equally void of any offence to which any degree of guilt, either legal or moral, could be imputed. Indeed it was clear enough, upon the face of the accusation itself, how sedulously the responsibility of having imputed anything immoral or dishonorable, had been guarded against; and, accordingly, that instead of a definite and precise charge, supported by specifications, in any proper and legitimate sense of the term, vague censures, clothed in loose generalities, and in the most ambiguous and perplexed phraseology, had been introduced, by a strange abuse of terms, under the name of a charge and specifications.

* Niles' Reg. vol 15, p. 213.
† Vide Niles' Reg., vol. 15, p. 303–5.
‡ Vide Lieut. Kearney's report, in Aug., 1823, among the documents with the President's message, of Dec., 1823, p. 174.

Perfectly consistent with the original frame of the accusation, has been the method in which it has been followed out, in the proof and in the argument.

Voluminous masses of documents, consisting of a miscellaneous correspondence, and a printed pamphlet, of more than one hundred pages, were produced in evidence, under the several specifications, and indiscriminately read, from beginning to end, without any specific designation or reference whatever to the passages or the circumstances wherein the offensive matter was supposed to consist, with the single exception of the alleged omissions, deficiencies and verbal inaccuracies, charged upon that part of my pamphlet, which purports to set out the proceedings of the court of inquiry; which were, indeed, vouchsafed after the trial had proceeded for more than a fortnight. Additional masses, little less voluminous, of documents and other collateral evidence, have been introduced, and, in like manner, read indiscriminately, from beginning to end, without the slightest intimation of the charge or the specification to which they were to be applied, far less of the bearing they were supposed to have on any point of the accusation, or of the purpose and object of their introduction. In two instances, witnesses have been introduced to authenticate numerous documents, without naming or describing them; and even without any enumeration or description of them being entered on the minutes, which record the evidence by which they are authenticated. Our request to have these documents openly exhibited and subjected to our inspection, or at any rate, to be furnished with a list and specific description of them, has been denied; and all that was vouchsafed to us, was an intimation that it would be time enough for us to see and inspect the documents when they came to be successively produced, as wanted from time to time, in the progress of the trial. In the meantime they have been kept under lock and key, wholly inaccessible to me; and, to this very day, I am ignorant how many, or what part, or indeed if any of these documents have since been found useful to subserve the ends of the prosecution, or have been actually used as evidence; though I presume, (but without any responsible assurance of the fact,) that some part of my official correspondence with the Navy Department, since read and attached to the record, entered into the composition of this strange paradox, of documents openly proved in a court of justice, and yet unknown either to the court, or to the party against whom they were produced. At a late stage of the trial, interrogatories are exhibited, for the examination of a witness upon deposition. Explanation is asked, and unhesitatingly denied: 1st, of the authority for taking a deposition, instead of confronting the witness with the accused, as indispensably required, (with a few stated exceptions, expressly provided for by statute,) in every criminal case, and above all, in every capital case; and this, not only in the absence of any direct authority to be found in the naval articles of war, or other law, but in the face of an article expressly requiring that the witnesses examined before a naval court-martial, shall be sworn by the president of the court. 2d, of the purpose for which this deposition was wanted, and of the point to which it was to be applied, in order that I might frame the cross-interrogatories, which I was called upon to furnish, with a discreet forecast of the operation and effect of the evidence upon my cause. The deposition, taken before a county justice of the peace, after having been held up, for some days, without any notice to me that it had been received, is at length produced, and read to the court, under the same silence and reserve as to the bearing or relevancy it might be supposed to have upon any matter put in issue by any of these charges and specifications—the want of relevancy and pertinency to any such matter, being apparent upon its face.

Whether, in all this, there was anything to be condemned as irregular, according to the established law and practice of courts-martial, this court has not been called on to decide; for I was wearied out, myself, and apprehensive of fatiguing the court, and exhausting its valuable time by raising my voice so frequently against the constantly occurring aberrations from the salutary forms of procedure usually observed in criminal prosecutions, and equally indispensable to the due administration of justice in a military, as in a civil court. I made this sacrifice of my right to complain and to remonstrate with no other hesitation but what arose from my reluctance to sanction a dangerous precedent; the pernicious consequences of which, to the principles of military jurisprudence, were incalculable. My own innocence I know to be too firmly seated in conscience, too strongly fortified by its internal strength, and too well guarded by external evidence, to fear either secret sap or open assault; and it shall not be my fault if any transgressions against the wholesome rules of judicial practice be drawn into precedent hereafter.

My own reason informed me, and the clear and decided authority of every approved author who had treated of the elements or practice of military law, was united with undeviating unanimity in pronouncing that every alleged offence against military law, as against the general law of the land, must be determined by some fixed and known rule of action, instituted by positive law; and defining the character and degree of the offence; and that it must be shown by the terms of the accusation to be cognizable and punishable under such law. The grounds and principles upon which this proposition may be demonstrated, and by which the present accusation, after having that test applied to its terms, is necessarily excluded from the legal cognizance of the court, have been amply unfolded in the preliminary exceptions taken by my counsel to the second charge and its specifications. In the answer to these exceptions, the undisputed power of the Executive to discharge from service any officer holding under its appointment, in other words, to revoke a commission granted during pleasure, is adverted to. It is intimated that this power has been exercised, and may be again, to protect the Executive from the contumelies of its subordinate officers; that, in this instance, the Executive was under no necessity to have remitted me to a court martial for trial; but might have judged and punished me by its own inherent jurisdiction, and upon the responsibility of its discretionary powers; and that, having this inherent power and jurisdiction, it has, by the act of preferring these charges, pronounced its own opinion of my conduct; and has required of this court nothing more than to inquire and ascertain whether the acts, of which it is to be taken for granted, from the official exhibition of the charge, that I am guilty, may be explained or palliated by any circumstance of excuse or mitigation. Then, if I may rightly comprehend this reasoning, this court is now exercising a jurisdiction *ex gratia;* as a mere concession from the Executive, without any necessary and legal cognizance of the matter, and, instead of a grave tribunal of criminal judicature, commissioned to pronounce the solemn judgments of the law upon the guilt or innocence of a prisoner accused of high offences against the law, we have an anomalous sort of inquest or council of ceremonies, which is to report to some superior authority every breach of decorum or good breeding, from boorish rudeness to the slightest deviation from obsequious respect, by which fastidious pride or apprehensive delicacy might be offended. In that view no punishment is to be inflicted by the judgment of this court, but the case is to be again remitted to the Executive for him to decide, from the circumstances reported by this court, upon the

expediency of exerting his power to remove me from office. It is further implied, if not laid down in terms, that the Executive requires not the opinion of this court, whether the facts specified under the second charge be true, nor whether they do, in themselves, amount to "insubordinate conduct, and conduct unbecoming an officer;" both the fact and the corollary being already established by the opinion of the Executive, manifested in the exhibition of the charge; and the function of this court being limited to a report of any circumstances of excuse or mitigation to be offered on my part. Still, the argument of the judge advocate, in answer to the exceptions taken by my counsel, concludes with a clear and unhesitating opinion, that the charge and specifications are not only sufficient in substance and form, but that they do specify offences of a military character, for which the accused may be *arraigned* and *tried* before a court-martial. Whether *punishment* be understood to be involved in the arraignment and trial here spoken of, or to be deferred to the Executive discretion, so as to reduce arraignment and trial to a mere inquisition of circumstances of excuse and mitigation, or whether a *judicial* power to try and punish, concurrent with the *Executive* power to judge, summarily upon view, and to punish by removal from office, be affirmed, are questions which it would be difficult to determine by any lights in the preliminary exposition, that has been elicited, of the principles upon which the jurisdiction of this court may attach itself to the case.

Having still to grope my way through a dubious twilight, to a knowledge of what may constitute the gist of my offence, and the essence of my accusation, in point both of law and of fact, I must proceed, by the help of anticipations and conjectures of the point of attack, to defend myself the best I may on every ground.

Though I had yielded my conviction, with such absolute confidence, to the force and conclusiveness of the reasons by which the preliminary exceptions of my counsel to the sufficiency of the second charge and its specifications, had been sustained, yet I should not have been in the least disconcerted, nor, as I imagine, materially curtailed of my defence, if such exception had been overruled by any new and unexpected arguments, which the learning and ability enlisted against me, might have suggested in answer. I should, without regret, have given undisputed sway to the philological and legal disquisitions which were supposed to have furnished such victorious arguments in support of the charge and specifications excepted to. But when I found myself assailed by a species of *argumentum ad hominem*, digressing into circumstances foreign to the point in question; and proceeding upon the most extraordinary misapprehension of my language and conduct, and of the motives inferred from them, I could not forbear to discharge myself from the imputations, and to disclaim the inferences that might have resulted from this official and recorded misconstruction of my conduct and motives.

I adhere, with undiminished confidence, to the propositions of law, which have been stated and illustrated by my counsel, to acquit me of any necessity to answer the second charge and its specifications; but before I advert to the grounds upon which they are either maintained or contested, I must be permitted to pass, very briefly, under review, the collateral topics of disparagement, which have been brought in aid of the argument against them.

1st. As an evidence of my disposition to raise captious and futile objections, if not of my want of candor, it has been stated that I had complained, on the first day of the court, of not having been served with a copy of the charges and specifications; and yet, the next day, I produced a copy with which I had been regularly served, and which differed from that upon which I had been arraigned only in *two letters*. The fact is well remembered, that I gave as a reason for demanding a fresh copy of the charges and specifications, a difference I had discovered between the copy read and that in my possession; and my written explanation the next day, which I hope forms a part of the record, minutely explains the difference between the two. Nor is the stated result of the minute calculation, which reduces the variance to a mere difference of *two letters* in the spelling of a word, by any means correct or fair. The variance, (no matter of how many *letters* or words it consisted,) was in the date of one of my letters, specified as "*insubordinate* and *disrespectful*." The letters were no otherwise specified or identified than by a naked reference to *dates;* the one copy of the specification gave a letter of one date, the other copy omitted that, and gave a letter of another date; and so the variance consisted not in the difference between the spelling of *thirtieth* and *thirteenth*, but in the entire letter, which constituted one of the documents of the charge: and in one sense, may answer to the result of the judge advocate's calculation of a difference of *two letters*. But if it be true, as has been suggested, that the only office of the court in this trial, is to offer propitiation to another authority, by which I stand already condemned, upon the strict law and fact, how hopeless the task of exculpation or excuse, if the spirit in which the charges have been instituted, be consentaneous with that by which they are prosecuted to judgment. For here I am charged with litigiousness, illiberality and want of candor, because I had simply pointed out an important defect in the procedure against me; all the advantage from which I had voluntarily waived, and had conceded to the prosecution and *election* to adapt either or both of the letters referred to in the two copies of the specification, only requiring that the election should then be definitively made.

2d. I am also represented as having appealed to the judge advocate to *withdraw* the second charge, and even to have followed up that application with some intimation sounding in menace, and it is thought necessary gravely to expound the relative powers and duties of the judge advocate, from which any discretionary authority to *withdraw* a charge is excluded. The only circumstance from which I am given to understand that this attempt to escape from the prosecution, either by the lenity or the fears of those who were to uphold it has been inferred, was a simple appeal made by my counsel, purely out of the courtesy usual on such occasions to the *candor* of the judge advocate, as the law adviser of the court, upon the validity of the exceptions to the second charge.

As I, and every person present, with whom I have comparad notes, most distinctly and clearly understood the passage of the transaction alluded to; my counsel was insisting upon the right to the reply, if, contrary to his expectation, any answer should be offered to the reasons advanced in support of his exception to the charge and specifications; and, after explaining that, according to all judicial practice, the right of reply lay with that party who had originated the motion, and supported it by an opening argument, he qualified his application to the court, by saying that he really did not anticipate a necessity for any such reply in that instance, as he entertained a very confident hope and expectation, that the judge advocate, when he should have deliberately considered the question, would candidly admit the force of the objections, instead of attempting to answer them, and would abandon the charge and specifications as untenable.

Why such an appeal to the candor of an opponent should be abhorrent to the principles upon which

this prosecution is conducted, concerns only him or them to whom the conduct of the prosecution is entrusted. I ask no favors, no concession; nothing, in short, but the strictest debt of justice, cast up by the hardest reckoning; nor have I ever desired to wrest it from any withholder by other than the moral force of law and justice. As to the menace, so strangely surmised, it is said to be inferred from some expression in the written argument of my counsel. Whatever be the exceptionable passage in that document, it now stands recorded for the condemnation or acquittal of its author; and dispenses me from any explanation, further than that I have looked in vain for the passage from which any mind, not afflicted with an extreme susceptibility of offence, could have inferred a menace. Every well-wisher to the credit and success of this prosecution must hope, that its character for nerve and determination, should rest upon some less equivocal evidence than the power to withstand the instances of this shadowy phantom of a menace. As yet, certainly no infirmity of purpose, in the course of the prosecution, has given ground for any doubt, either of the active courage or the passive fortitude by which it is upheld; and I shall be the last to undervalue the efficacy of the tremendous ordeal to which those high qualities seem to have been voluntarily destined, by the manner in which they are exerted upon this occasion.

3d. I am also charged with having taken refuge under nice cavils of law and grammar; with having taken advantage of verbal criticisms and legal technicalities, to escape the legitimate consequences of the charge; and with having manifested more dread of punishment, than sensibility to character; as if I were willing to go forth acquitted by the judgment of the law, but condemned by the moral sense of mankind; unpunished in person, but tarnished in fame. To little purpose, indeed, have I so long lived and acted in the public eye, if there exist a man who could, in his heart, entertain the suspicion that I could incur any more grievous punishment in this life, than a degraded name, or could aspire to any higher reward than a pure conscience and a spotless reputation. But if it were otherwise, and it were true, that I could have been reproached with a design to escape investigation, by resting upon my legal advantage, it is without precedent, I believe, either in England or in this country, that the law officer of the government, charged with the conduct of a public prosecution, should have attempted to affix a stigma to the character of the accused as a substitute for legal conviction and punishment; or if there be any instance either among the crown lawyers of England, or the law officers of the United States, of any such gratuitous infliction upon the feelings of the accused, it has been held up as a beacon to be reprobated and avoided, rather than as an example to be followed. The humane dictate of public justice, in every such case, is that the law and its ministers either judicially acquit, or judicially condemn without qualification; whom the law acquitteth, its ministers presume not to condemn; but for every moral offence, without the cognizance of vindicitive justice, the party is remitted to his conscience, and to the bar of public opinion. But in this case, my exception to the charge turned upon the utter absence of any imputation of either *legal* or *moral* guilt; and upon the vague and unintelligible phraseology of its terms; or, in so far as any intelligible point of accusation could be deduced from it, that it hinged upon minute and frivolous fault-findings, altogether beneath the dignity of judicial animadversion. And now that this long rod of investigation has had its full swing; unlimited by time, place, or circumstance; every anticipation of the frivolousness and want of gravity, in the essential matter of the charge, is more than verified in the event.

Before I proceed to discuss the several specifications in their order, I must beg permission to advert to some of the points discussed in the argument of the exception taken by my counsel to the second charge and its specifications, and which are left in a state not a little perplexing to me.

It has been insisted that these exceptions could not be received, as in the nature of a motion to quash an indictment or information, but as a *demurrer* to an indictment, which, if overruled in *law*, conclusively admits the fact.

Now how the analogy between these exceptions and a demurrer at common law is to be brought about, is, as I apprehend, wholly incomprehensible. No authority, upon the law and practice of courts-martial, has the most remote allusion to any such form of pleading, as a *demurrer*. The only pleas ever used, are said to be one of three; namely: the general issue of not guilty; or a former acquittal; or a former conviction of the same offence. A technical demurrer, to be followed, if overruled in law, by the consequence of an exclusive admission of the fact, is peculiar to the practice of the courts of common law; and it is believed has no precedent or analogy in the practice of any other courts, or in the rules of any other system of jurisprudence. In the courts of the civil or Roman law, a form of proceeding, giving to the party every advantage of a demurrer, was used under the name of exceptions, which were either *peremptory* or *declinatory*, according as they went to the substance or the form of the action. But if such exceptions were overruled, they were never held as admissions of the fact; but the party excepting was still permitted to go on to the *contestation of suit*, which was equivalent to the *general issue* in courts of common law, and then the whole merits were discussed. So the courts of equity, which both in their forms of procedure, and principles of jurisprudence, had been modeled more after the *civil* than the *common* law, adopted the form and the name of the *demurrer*, discharged of its common law consequence of standing as a conclusive admission of the *fact*, when overruled in point of *law;* so that under the name of a demurrer, the exceptions, peremptory or declinatory, in the courts of civil law, are essentially preserved, and the demurrant is left at large, in his answer upon all matters of fact. Now in courts-martial, where demurrers, as a form of pleading, are wholly unknown, it must be extremely difficult to find any analogy, which shall answer their legal consequences to *exceptions*. So in the published state trials before the court of session in Scotland, where the civil law prevails, we find the advocates for the *panel*, or accused, *pleading* to the *libel*, before they join issue on the fact; and when their plea to the libel, (analogous to the exceptions of the civilians, and to the demurrer of the common lawyers,) is overruled, they still go on to plead to the fact. That the accused in all courts, and under all systems, should have the means and opportunity, in some form, to question the legal sufficiency of the charge itself, is indispensable to the due administration of justice; and that in courts-martial, which are supposed by Mr. Tytler, to be more analogous in their constitution and forms of procedure, to the courts of the *civil* than of the *common* law, such exceptions should be admitted upon the terms usually practiced in the great majority of judicial tribunals, rather than adopt any narrow, technical, and peculiar practice of one set of courts, is but reasonable. Indeed the question of practice should be decided by the fact that a demurrer never has been admitted among the pleas, available in a court-martial. The truth is, that in criminal cases the demurrer is entirely disused in the courts of common law, because every advantage of a demurrer is then obtained, either by a motion to quash the indictment, or to arrest the judgment, without any danger of being concluded to the *fact*, if found to be mistaken in the *law*. The exceptions to the

legal sufficiency of a charge in a court-martial is more analogous to a motion to quash, than to a demurrer; and in this case it is made expressly and specifically as a motion to quash. It must be a very curious process of analogical ratiocination, by which this motion is to be converted into a technical demurrer. It is said that a motion to quash is not entertained where the jurisdiction is for certain grave offences, but only when some of the lighter class of offences are charged. The reason given is, not that the court has not the same power and jurisdiction to quash in the one case as in the other, but because they will not decide grave and weighty questions in that *summary way*, but will turn the party over to his motion in arrest of judgment, when the question can be more fully argued and considered. This is a mere notice of practice, founded on the discretion of the court; but before it can operate to convert our exceptions into a technical demurrer, several postulates are demanded.

1. That courts-martial have, in the exercise of a like discretion, distinguished military offences, that are too grave for a motion to quash, and which must be reserved for a motion in arrest of judgment, for such as are light enough in their character to be more summarily disposed of. 2. That the second charge and its specifications do indicate an offence of the graver kind. 3. That if a motion to quash an indictment be overruled, because the offence is of too grave a character to be so summarily disposed of, the court will, of its own authority, convert the motion to quash into a technical indictment, and hold the party to all its consequences. 4. That any process, analogous to a motion in arrest of judgment, can prevail in a court-martial. This is plainly incompatible with the constitution and practice of a court-martial, the members of which unite in their own persons the character both of judge and juror. The motion here spoken of can only prevail in a court where these functions are separate; where the jury first *convicts* of the *fact*, and a motion of arrest is interposed between the conviction of the jury, and the judgment of the court.

Then it plainly appears, that a *demurrer* is a plea wholly unknown to the practice of courts-martial; and that a motion in arrest of judgment would be absurd and impossible. The right to except, in some form, to the legal sufficiency of the charge, is admitted. From all which, it must necessarily follow, that preliminary exceptions, in the form pursued by us, or reserved, under protest, to be considered at some subsequent stage of the trial, is the only practicable or rational cause.

I have been the more particular upon this technical point, because I am at a loss to conjecture how far the consequences of the doctrine, contended for by the judge advocate, may be pushed to my prejudice; and the talents and learning manifest in his argument, make it unsafe to trust too confidently to the apparent conclusiveness of his reasoning, without taking some pains to demonstrate its fallacy. Had it been true, that I could not except to the *law*, without admitting the *fact*, it might also have been concluded, that I could not plead to the *fact*, and proceed to the trial of issue, without admitting the *law*. In that case, I might have laid myself open to conviction, upon mere proof of the naked *fact*, that I had written certain letters, or published certain proceedings, though the acts should appear to be ever so innocent, and without any consideration, whatever, of the legal effect of such acts. The judge advocate seems to admit that, at some stage or other of the trial, I may have the advantage of legal exceptions to the charge; but, as he denies that I can have such advantage in the form of preliminary exceptions to the charge, but at the peril of being held to a conclusive admission of the *fact;* and as I know not how the matter of the exceptions may be any more regularly taken up, or safely or effectually urged, when mixed up with matters of fact, than when separately considered, I have, in this perplexity, thought it most safe and expedient to maintain the original ground of exception.

The more important questions of law, discussed in the argument of the preliminary exceptions to the second charge and its specifications, regarded, 1st, the jurisdiction of this court; as to description, quality and degree of the offences, cognizable by it; and 2dly, the form of the accusation, as to the certainty and precision with which it should bring the offence within the terms of the law, by which it was punished; and the amplitude and minuteness with which the facts and circumstances should be specified.

1st. The proposition that no offence was cognizable by this court, but such as was to be found in the class of offences enumerated and described in the naval articles of war, had been shown to be so demonstrated in principle, and so clearly illustrated by reason and authority, that, until otherwise instructed by an opposing argument, I had concluded it to be placed beyond the reach of controversy. For the proposition itself; and the principles on which it rests, I must refer, with undiminished confidence in its irrefragable strength and conclusiveness, to the illustrations that it has already received from the preceding discussion of it; and now confine myself to some cursory notice of the more prominent objections that have been suggested in the opposing argument of the judge advocate.

It is said, upon the authority of a writer frequently quoted in the course of the discussion, that though no crime, which is mentioned and defined in the articles of war, is punishable in any other manner than in that specially directed by those articles; yet, it does *not follow* that there are no crimes punishable by a court-martial but such as are enumerated and declared to be punishable by the articles of war; and, that there are offences which admit of no *precise definition*, and yet, in the military profession, are of the most serious consequence, as weakening and subverting that principle of *honor* on which the proper discipline of the army must materially depend; that, of these, a court-martial, which is, in the highest sense, a *court* of *honor*, are themselves appointed the sole judges, or rather the legislators, for it is in their breasts to *define* the *crime* as well as to award the punishment.* Such phrases are indeed to be found in the passages cited from the essay of Mr. Tytler; but they are wholly misapplied when detached from the context and propounded as generalized rules of law. As such, it was with the utmost surprise we heard them ascribed to the authority of Mr. Tytler's essay; so utterly inconsistent as they are with the rules so distinctly and repeatedly propounded by himself, and by three other authors of equal authority—two British and one American. That "the crimes, cognizable by a court-martial, are *pointed* out by the mutiny act, which every man is, or ought to be, acquainted with;" that "martial law is laid down in so plain and simple a manner, that every military man is, or ought to be, acquainted with what are thereby *deemed crimes;*" that "in the accusation or charge the offence must be set out with certainty and precision, so as to bring it *clearly* and *unequivocally* within the terms of the law or articles of war, by which it is made punishable;" are the terms of the rule, as cited from Mr. Tytler, and the three other authorities, who have all enumerated it with undeviating unanimity.† These wholesome and necessary rules are particularly

* Tyt. Military Law, 107, 8, 9.
† Adye, p. 62, 225, and 127, 8; 1 McArthur, p. 23, § 5; 2 id., p. 6, 12; Tytl., p. 206-18; Macom., p. 61-8.

illustrated and enforced, both by Mr. Tytler himself and by General Macomb, who respectively assign the reasons why it is not necessary, in the body of the charge, to refer to the particular article of war supposed to be violated; which is that "the specification of the criminal act itself is sufficient intimation to the prisoner of the law by which it is punished; and the prisoner may always dispute the relevancy of the charge, and call upon the prosecutor to show in what respect it falls under the *prohibition* of the law." Well might it have been presumed, therefore, that the text of Mr. Tytler had been wrested from its proper connection and subject, by which the limitations and the application of the passages quoted, would have been determined, when he is represented as ascribing this unlimited jurisdiction to courts-martial, of defining, at pleasure, what acts shall be added to the enumerated list of offences, punishable under the articles of war, and of *legislating* on the important subject of crimes and punishments. Accordingly, upon reference to the context, we find the whole clearly and rationally explained. In the first passage, which admits the existence of military "crimes punishable by a court-martial, and not enumerated and declared to be punishable by the articles of war," reference is expressly had to the peculiar power granted to the crown by the mutiny act, to make and issue *regulations* for the *army*, independent of the established articles of war, and having all the binding force and effect of military law, with certain limitations, as to the extent of the punishment, that may be inflicted under such regulations. The same matter is more fully and clearly explained by Mr. McArthur, who, in his treatise, takes a comparative view of military law, as applied to both the *military* and *naval* establishments of Britain. He shows that, while the *naval* articles of war have been established by successive acts of parliament, from the reign of Charles II to that of George III, and have been digested with unusual care and system, while they are irrepealable and unalterable but by the authority of parliament, and enumerate and define all offences cognizable under them, with the appropriate punishments annexed to them; there is this curious anomaly in respect to the army, which is governed by the articles of war, not instituted by any act of parliament, but at the discretion of the crown, and repealable or alterable at the pleasure of the crown; besides the general power of the crown to superadd the penal *regulations*, past mentioned. In this respect, the author very justly expatiates upon the advantage which the *seamen* in the British service have over their brethren in the land service.*

The second passage cited from Mr. Tytler's essay (p. 109) to prove the legislative power of courts-martial, as courts of *honor*, to define the crime and award the punishment, is equally misapplied to the present argument; and such misapplication is clear from the context, though even, as it stands so connected, its accuracy and precision cannot be entirely defended. He refers these terms expressly to some peculiar and special provisions, found both in the military and naval codes of Britain, but not in our own naval code. The author by no means intends it as the enunciation of a general rule or maxim of military law; but as the result of special enactments, which, it may be remarked, fall somewhat short of the sweeping effect which he ascribes to them. The particular provisions to which he refers, are, 1st, the article of war, which punishes commissioned officers, convicted of behaving in a scandalous, infamous manner, such as is unbecoming the character of an officer and a gentleman; 2dly, the 23d section of the mutiny act, making it "lawful for courts-martial to inflict corporal punishment, not extending to life or limb, on any soldier, for *immoralities*, *misbehavior*, or *neglect of duty*." The same provisions are commented on by McArthur, who, with more accuracy and precision, both of conception and language, explains them as giving to courts-martial a wide discretion, not to define by a legislative act new offences, but to *discriminate shades* of guilt; and, as it relates to the article by which scandalous and infamous behavior in a commissioned officer is punished, it is further explained that the court should discriminate between such actions as come up to that standard of moral turpitude, and such as, however improper and blamable, fall below it: being cognizable by a court-martial in the one case, and not in the other†—so, in the exceptions taken by my counsel to this charge and its specifications, and in the reasons advanced in support of them, a very considerable discretion, resulting from the vagueness and generality of the terms in which certain military offences were described by the articles of war, and from the power to inflict optional punishments, was conceded to courts-martial. But it was explained to be a *sound discretion*, instructed by the law, and operating through the law, and essentially different from a *legislative* power to punish offences not classed and specified by the articles of war. For instance, if an officer be charged with contempt or disrespect, or with contemptuous or disrespectful words, or with scandalous, infamous behavior, or with conduct unbecoming an officer, &c., the court must exercise a sound discretion in discriminating the moral and legal character of the particular acts charged and proved as coming under any of these denominations. It is, nevertheless, absolutely bound by the legal definition of the offence, however general; and, before conviction or punishment could follow, it must judicially determine the acts or words to be contemptuous, or disrespectful, or scandalous and infamous, or unbecoming an officer, &c., and that upon no *inferior* species of immorality could it judicially animadvert. So that, in effect, the court was exercising the ordinary function of expounding the true intent and operation of a statute from general or doubtful terms—a function only rendered so much the more difficult and perplexing, as the terms were vague or doubtful; and, though the acts that constitute the offence were not *defined* by the law, yet the offence, as a species, was defined, and the court was bound by that definition. It was also admitted that, in so far as the general heads of offence, laid down in the articles of war, embraced aggravated, though undefined, misconduct, or immoralities, the court, in the exercise of that sound discretion by which the moral character of actions was to be determined, might be viewed as, in some sort, a court of *honor*, because the actions to be animadverted on were to be judged by rules of honor, and not by strict legal definitions; but, in so judging them, the court was bound by the law to take cognizance only of such improprieties as amounted to the degree of moral turpitude required by the law. The court, it is certain, had the *power* to adjudge anything scandalous and infamous; but then, its solemn judgment must be, and that upon the responsibility of its judicial character and oath, that the act was scandalous, infamous, &c. If any inferior degree, or higher shade, of misconduct or immorality, should be so determined, it must rest upon the conscience of the court as a misjudgment and an abuse of the law. In short, the law had, in general terms, defined the species, the quality and degree, of the offence, and it was the duty of the court, before it condemned or punished, to see that the facts came up to the legal definition, ample as was the field of judgment and discretion, in respect of the infinite variety of actions, and the nice and diversified

* Vide McArthur, vol. 1, chap. 2, s. 3, 4, 5, 6, p. 20, 22, 23 and 25; and ch. 4, s. 1, p. 40-1-2.
† Vide McArthur, v. 1, ch. 4, s. 1, p. 42; and v. 2, ch. 8, s. 9, p. 297.

shades of their moral character, which might be embraced in the general terms of the definition. It has been remarked, that the only part of our naval code from which this function of a court of *honor* can be, in any sense, inferred, is the third naval article of war, which, after enumerating, among the heads of offence punishable by it, oppression, cruelty, fraud, &c., ends with the sweeping clause of "any other *scandalous* conduct, tending to the destruction of good morals."* The more vague and general description of "immoralities, misbehavior, or neglect of duty," punishable in a soldier, under the mutiny act of Britain; or of "conduct unbecoming an officer and a gentleman," punishable under the military articles of war, in this country, are wholly omitted in our naval code; nor is there to be found in it any such article as "scandalous, infamous behavior, unbecoming the character of an officer and gentleman," which is common both to the military and naval codes of Britain; but this third article of our naval code is nearly modeled after the second article in that of Britain.† Upon the principles already laid down, it was conceived to be clear that this court, as a court of *honor*, judging the moral character of actions under this article, could take no cognizance of any that fell short of the aggravated degree of misconduct supposed by the article; namely, "scandalous conduct, tending to the destruction of good morals," and at least of as grave import as the preceding enumeration of "oppression, cruelty, fraud, &c." But it has been asked by my counsel, and I ask again, what is there in the charge, or in any one of the specifications, that imputes, either directly or by inference, any act within the jurisdiction of a court of *honor*, or which may not, and ought not to be the subject of special enactment, if it be thought that sound policy and the good of the service, required that they should be brought under the judicial cognizance of a court-martial? This question was put in reference to the *terms* of the *accusation;* I now put it in reference to the proofs; and challenge the severest test for every word and deed which the minute industry of the prosecution, stimulated by provocations, real or supposed, has been able to call up against me. Whatever errors, or inadvertencies, or indiscretions, it may please them to impute to me, let any one word or deed be pointed out, as approaching in the remotest degree to the character of scandalous conduct; or, as in any other sense, soliciting the animadversion of a court of *honor*. I understand, this legislative power, over the subject of military crimes and punishments, to be claimed for the court, not only in its imputed capacity of a court of honor, but in right of a general jurisdiction extending to every sort of transgression, which, according to sound and discreet views of policy and expediency, ought to be repressed as tending, immediately or remotely, to the relaxation of discipline, and which the good of the service requires to be punished as military offences. I shall not stop to dilate upon the nature or consequences of a doctrine so abhorrent to the first principles of civil and military polity: these topics have been amply treated, by my counsel, in reference to military, as distinguished from civil life. I shall, therefore, confine myself to a brief notice of the single authority, upon which this most extraordinary doctrine, has been advanced; namely, the 32d of our naval articles of war, declaring that "all crimes committed by *persons* belonging to the navy, which are not specified in the foregoing articles, shall be punished according to the *laws* and *customs* in such cases, *at sea*." This article is copied with slight variations of phrase, from the 36th of the British naval articles; which, in the concluding member of the sentence, speaks of the laws and customs *used* at sea.‡ I wonder it had not struck the acute and discriminating mind of the judge advocate, how unlikely it was, that this article could have any relation to the powers or jurisdictions of courts-martial, since all the authors who have, with more or less of labor and minuteness, treated of the law and practice of such courts, or of military law in general, have preserved an absolute silence on the effect of this article. From that circumstance, connected with the very unusual and almost singular omission in the body of the article, of any reference to a court-martial, the inference should have been quite obvious that it alluded to a class of offences, and to set off "laws and customs," not within the ordinary cognizance of a court-martial: and in fact it has always been understood, as referring to certain recognized laws and customs, necessary for the minuter departments of police and discipline at sea, and having no necessary connection with the enumerated and defined subjects that come under the regular cognizance of courts-martial. The history and practice of courts-martial, both in Britain and in this country, may, it is believed, be examined in vain for a single instance of any charge being exhibited or tried, under that article. But if it were otherwise, what argument does the article furnish in support of the proposition which it is cited to prove; namely, that the court may assume the function, both of legislators and judges? The article gives the court no power to define or to decide what acts shall be held to be criminal under it, but on the contrary, refers to known and established rules by which the same are already supposed to be defined and determined, namely, "the *laws* and *customs* used at sea." These may be unwritten laws, a sort of *common law* of the navy, contradistinguished from its statute law, as comprised in the naval articles of war, but they are nevertheless supposed to be fixed, known and obligatory, and this court if it have any jurisdiction of them, can act upon no case that is not shown to have been already constituted an offence by these laws and customs; they must be proved and ascertained, or known to the breasts of the court, as establishing the criminal character of the act charged, and the nature and degree of the punishment incurred by it. Besides, what can the *laws* and *customs used at sea* possibly have to do with any matter either set forth or proved under the second charge and its specifications, which relate exclusively to transactions on shore, in the heart of the country and not in the execution or routine of any naval duty or service whatever? If these laws and customs be known to the judge advocate or to the court, let them be expounded and applied to the terms of the charge and specifications, or to the facts proved: if unknown, let old and experienced commanders versed in the traditionary lore of marine law be examined, to identify and explain them. They must be known before any act can be punished as an offence against them. In the absence of such knowledge, they cannot be supplied by any discretion, judicial or legislative in this court. The judge advocate has referred to the *common law* as defining and punishing murder and other crimes, without the help of statute law, and certainly it never entered into the conception, either of my counsel or myself, that any objection or argument which had been urged on my part, rested on any distinction of the form of the law by which the offence was supposed to have been created and punished, nor is it quite obvious what argument the punishment of offences at common law may furnish for the assumption of a legislative discretion, by a court-martial, to punish anything as a crime which may appear to be mischievous or dangerous to the service, from any analogy to the jurisdiction of the common law courts. The analogy is wholly against

* Laws United States, vol. 3, p. 357.
† Vide McArthur, vol. 1, app. No. 1, p. 325.
‡ Vide McArthur, volume 1, app. No. 4, p. 336.

the argument, for the common law is just as positive, limited, and fixed a rule of action, as the statute law, and the very fact of the coexistence of the two, proves that the courts arrogate no extension of jurisdiction bordering on legislative discretion, from the unwritten or prescriptive authority of the common law, but on the contrary, when the public good requires any innovation on the established and defined boundaries of the common law, or any extension or modification of its terms, a recourse to the legislature to supply its defects by statutory enactment becomes necessary. Then if there be a common law of the navy, implied by these laws and customs used at sea, let it be exemplified and applied to my case with the same certainty and precision as the common law to murder or other offences defined and punished by it.

2d. The question on the form of the accusation was supposed to have been settled by a concurrence of so many and such pointed authorities, all coinciding with the plainest dictates of justice, and with the most indispensable safeguards of individual right and security, as to leave little or nothing to be said on the subject. There seemed to be little occasion, either in the general principles propounded, or in their application to the present case, for any strictures upon the mischievous consequences of permitting an evasion of justice, by means of nice and technical objections to form, or of captious verbal criticism. It would have been more to the point to have shown how the objections urged on my behalf, were too nice or technical, or required more than was necessary or usual to the wholesome forms of judicial procedure; and how the exceptions to the precision, or legal or grammatical accuracy of the terms in which the offence was described, and the facts specified were too nice and technical; or how they descended to the captiousness of verbal criticism without affecting the substantial sense and meaning of the charge. It has been thought to be as obvious to the philosophical as to the professional and practical observer, upon the principles of a regular and discreet jurisprudence, that it was far more just and safe to compel ministers of the law to care and precision in the forms of procedure, than to set them loose from every wholesome restraint. The necessity and value of these landmarks to human rights are enforced, no less by the rules of criminal judicature in military than in civil tribunals: the theory in both is precisely the same, and the practice assimilated by the closest analogy. One of the most celebrated and useful of the authors who have treated of the law and practice of courts-martial, has not failed to insist upon the comparative mischiefs arising from a disregard of, or a strict adherence to established forms; and to demonstrate the wide-spread and incalculable evils resulting from the one, and the very partial and occasional inconveniences from the other.* This is followed by the distinct enumeration and clear definition of all those reasonable and proper rules, by which the form of accusations exhibited before courts-martial is determined; and which are so repeatedly insisted on, and strenuously recommended by the same author, and numerous other authorities cited in the course of the former discussion. The summary of these rules, as given upon that occasion, and amply supported by reason and authority, says, "the offence must be set out in such terms as bring it clearly and unequivocally within the law, or articles of war, by which it is made punishable, so that there shall appear a *certainty* of an *offence* in the charge; and, in some instances, it must be charged in the very words of the article or statute supposed to be violated, and all the circumstances of the time, place, and manner of the acts charged, must be minutely described in the specifications; and the more vague and general the article of war by which the offence is described and punished, so much the more particular and minute must be the specification. An indictment or criminal information in the courts of common law, or, as some prefer, a libel in the courts of the civil law is referred to as the lowest admissible standard of the certainty, precision, and particularity required in an accusation before a court-martial."† By all this, it is by no means to be understood that the mere solemnities and technical forms of such pleadings are requisite; but those substantial parts that go to inform the party accused circumstantially and certainly, of what it is that he is called to answer. Upon a comparison of these prescribed requisites of a valid accusation, with the actual charge and specifications in question, the utter failure of the latter under the test was obvious and palpable.

But there were not wanting expedients to evade the force of an objection, unanswerable, as I think, in its terms. But the generality of the charge, (it was said on the authority of Mr. Tytler,) although it may not be absolutely reprobated by the military law, or amount to avoidance or annulling of the indictment, affording, in every case, a competent and weighty objection upon the part of the prisoner, which he may urge, to the effect of having the charge rendered *special*, by a pointed detail from the prosecution of the *particular facts* on which it is founded; and this requisition by the prisoner, which is founded in material practice, no court-martial can legally refuse; "‡the hypothetical and qualified terms which thus indicate a process for botching the defects in the original frame of the charge, are assumed as absolute; and as ruling that such defect" is not absolutely reprobated by the military law, and does not amount to a voidance or annulling of the indictment; "that a more precise and special statement of the matter of the charge is merely *recommended* as of *favor*, not required as of indispensable obligation, and it is concluded that the proper time and mode for me to have taken advantage of the objection, was before I had pleaded, and then to have called on the judge advocate for the *pointed* detail of *particular facts* on which the charge was founded" a "requisition (it seems) founded in *material justice*, and which no court-martial can legally refuse." Be it so; but it has entirely escaped observation that this remedy applies to only half my objection; that it is limited in terms to the *generality* of the charge and specifications; and has nothing to do with so much of the objection as turns upon the inaccurate, confused, and absolutely unmeaning terms in which the charge itself is couched. An indictment or other form of accusation may be extremely objectionable for its generality, while its meaning may be manifested by language quite grammatical, clear and intelligible. "It is also somewhat perplexing to comprehend why the *court-martial* cannot legally refuse the requisition for this" pointed detail of particular facts; if there be *legal obligation* on the *prosecutor* to "prevent the *objection*," and the consequent necessity for such a requisition, by avoiding the original fault that is to produce them.

It might further be asked, upon what authority this requisition is restricted to the time of arrangement before plea; especially a plea admitted under a protest, reserving the identical exception; and why the evident defects of the charge and specifications, have not, when so repeatedly complained of, been amended; as might have been done with a tithe of the pains and labor bestowed upon the justification of them?

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* 2 McArth., p. 11.
† The authorities formerly cited, Adye, p. 127-8; Tytler, p. 206-13; 2 McArthur, p. 6-12; Mac., p. 61-8.
‡ Tytler, ch. 5, s. 1, p. 213-14.

But this mode of evading the force of the objection, by proposing a *succedaneum*, was anticipated and effectually obviated, in the preliminary argument by which the objections were maintained. It was shown that the rule did not rest upon the general law and practice of courts-martial only, cogent and conclusive as were the authorities by which such law and practice had been ascertained; but that it had been incorporated and consolidated with the mass of our naval articles of war, and so had acquired all the force and authority of positive enactment. For this the 38th article was referred to, which expressly requires that "the person accused be furnished with a true copy of the *charges*, with the specifications, at the time he is put under arrest," and makes them afterwards unalterable but upon certain extraordinary contingencies, specially stated in the body of the article.* Now as the full import and meaning of the term specifications, had been determined by the precedent law and practice of courts-martial, it must be held to have been adopted by Congress according to its technical import; and to have had precisely the same effect, as if Congress had descended to more minute legislation; and had in terms, required all the "pointed detail of particular facts," which it seems a court-martial could not have legally refused to enforce, when properly required. Mr. Tytler, in the very passage which is relied upon as conceding the practice of amending the charge after the court has assembled for the trial of it, clearly excepts charges under a particular article of war, in which it was thought just, on account of the generality of its terms expressly to require specifications: and he very hesitatingly yields to the inference, that because they are not expressly required under the other articles, the omission is not fatal and incurable under any other; "may not amount to a voidance or annulling of the indictment." Indeed the practice of altering the charge after the court has assembled, is directly contrary to the general rule stated by all the authorities before cited; and the few precedents that have formed exceptions to it, are stated as very questionable in principle.

The answer offered to this argument is curious. It is said that this statutory rule, requiring specifications, and forbidding a subsequent alteration of the charge was introduced for the benefit and advantage of the person accused, who is always competent to renounce it; and if he desires more minute specifications, he must renounce the rule and permit the amendment. So a rule introduced for the benefit of the person accused, and of imperative obligation upon the prosecutor, is violated to the disadvantage and injury of the person accused; but he cannot except to such *illegal* violation of the rule, unless he agrees to purge his adversary's fault, by renouncing the very right that has been invaded. If this be not a virtual repeal of the law, why, the chasm in the chain of cause and effect is utterly imperceptible to my common sense.

The rationale of this rule, and its highly beneficial character, were illustrated by the citation of another, vouched by the same authorities, and designed for the same beneficial end, namely: that which required that the person accused, should be furnished with a list of the witnesses to be adduced against him, together with a copy of the charge, in order to enable him not only to make the best preparation to meet the *facts* to be adduced against him, but also to invalidate the testimony of the witnesses, if practicable. The concurring authority of the four authors already cited, is unceremoniously set aside by some posthumous notes of the late judge advocate general of England, introduced into the preface to the last edition of Mr. Tytler's essay. But a more careful examination of these notes will show that the rule is not denied as one of general, but of universal application, and that nothing more than its relaxation in certain excepted cases, is insisted on.

But against all the force of general learning and authority, confirmed by statutory enactment, numerous examples of the actual form of charges and specifications, tried before our courts-martial, have been industriously collected. And for what purpose? Is it imagined that any positive number of bad precedents, silently creeping into practice, and never having received the sanction of a judicial confirmation, can be competent to overrule a rule, a law so positive and so authentically vouched? The authors who have laid down the rule and illustrated its utility and necessity, all advert to certain partial violations of it, which are not cited as precedents, but as examples of irregular practice to be avoided. It is true that the precedents collected by the judge advocate, seem, for the most part, to be extremely defective in minuteness and precision of specification; but by how many degrees do they excel the present charge in legal precision and propriety of phrase. There is scarce one of them but charges in direct terms some heinous offence; scandalous falsehood; forged letters; malicious, false, and scandalous libels, &c., &c. But, whatever be the character of these precedents, they cannot be opposed to a well-defined and positive rule of law, but may only serve to illustrate the necessity of enforcing it.

The argument of inconvenience is called in aid, and voluminous documents with which upon our plan it would have been necessary to stuff the specifications are insisted on, as if so necessary and beneficial a rule of law were to give way in order to save the prosecutor the trouble of writing. But this objection is merely fanciful. It was only necessary to have specified the passages in the letters and other papers complained of as disrespectful or untrue, with the same particularity and conciseness as in an indictment or declaration for a libel.

These exceptions were, in the first instance, urged on my part under a firm conviction that they were unanswerable; having embarked in them, their importance required that they should be sustained. I have felt no other solicitude, as they relate to my own particular case, but to avoid being unwarily entrapped by vague and ambiguous phrases into such a dilemma as that the court should feel itself compelled to find the fact against me of writing or publishing what I never denied, without the necessity of imputing to it any specific degree of legal or moral impropriety.

I shall now proceed to a cursory and brief consideration of the charge and specifications in their order, as connected with the evidence.

Charge 2. The analysis that has already been made of the terms of this charge, and the manifest failure of every attempt to expound from them any intelligible meaning, far less a precise charge of any specific act, punishable under the naval articles of war, may dispense me from any other notice of it than a few explanatory remarks. When exception was taken to the new-coined or new-compounded adjective, "insubordinate," nothing was less intended than nice verbal criticism; and after all that has been said, the practice of so characterizing the criticisms upon the present application of the terms is not perceived. Nor was there any idea of denying absolutely the propriety on proper occasions, and with the necessary skill of introducing words with new forms of composition; or with any other impress of a

* Vide Laws U. S., vol. 3, p. 358.

new coinage. The lawfulness of such coinage, and the rules by which it should be governed, have been too long established by a celebrated production of a witty and poetical critic of antiquity to be now questioned: though it must be confessed that the dry and solemn details of an indictment or criminal charge do not furnish the happiest occasion, or the most legitimate subject for such adventurous essays. Neither the propriety in general of the arbitrary composition of a noun with a privative particle, when the writer desired to express some quality of contrariety to the primitive noun, nor the *callida punctura* of insubordinate, when applied to the same philosophical ideas as the primitive adjective, was called in question. The gist of the objection was that subordinate had never acquired by well established use, nor even by any use, popular or technical, any meaning different from that affixed to it in philosophical and literary language: that such meaning was utterly unappropriate and incompetent to denote the presence of any military or other virtue in an individual: consequently, the new and arbitrary composition of the word with the privative particle, (unknown to any vocabulary of the language, and without any fixed or known meaning beyond the mere contrariety of its primitive) was equally unappropriate, and incompetent to express the presence of any military or other vice or crime in an individual. What connection this may have with the speculative and impracticable notion, censured by Professor Stewart, of cramping and impoverishing written and oral language, by repudiating every signification not deducible from the radical or primitive sense of words, as *species* of the same *genus*, is not so obvious. A conjecture was indulged that "insubordinate conduct" might possibly have been intended as a paraphrase of another term, which was likewise to be formed by the composition of a noun with a privative particle, and that was insubordination; and no other appropriate or intelligible meaning could be inferred from the application of that term to the matter of the charge but *disobedience of orders*, which made it identical with the first charge, and stripped it of all relation to and support from the specifications annexed to it. The judge advocate has seized upon the identity of "insubordinate conduct," and "insubordination," but by what analogy is not explained. The substantive *subordination* is admitted to have acquired a more extended meaning in military language, than in philosophical language, or literary composition, and one very remotely if at all deducible from its radical or primitive sense, while the adjective "*subordinate*" is invariably used in military language, as in all admissible usage, with the strictest analogy to its radical sense; and therefore the adjective, whether simple or compounded, being so confined to its radical sense, cannot be made to denote the new and extended signification of the substantive, either in its simple or compounded form. Numerous authorities are cited to prove that subordination is established by general and approved usage, as applied both to military individuals and to military bodies collectively: and some authorities for insubordination applied to military bodies collectively; and the great aim of all this learned and laborious research is to prove that *subordination* has other significations, in relation to military matters, than mere obedience to orders. Doubtless it is used in a variety of senses in reference to military matters. When applied to collective bodies, it indicates the regular series and gradation of ranks, and the principle of cohesion and organization that preserves them in their order. In that sense it is opposed to anarchy or disorganization, and in that sense it is utterly unappropriate and incompetent, either simple or compounded, to denote the presence or absence of any military crime or offence in an individual. The only possible application of it that can express such an idea is to an individual of a military body, and the only quality it can predicate of him, at all to the purpose of the present charge, is obedience or disobedience of orders.

The judge advocate rejects this signification, as reducing the two charges to a state of absolute identity of meaning and effect; and yet, after all the long and devious huntings after a meaning, no precise or definite one, different from this, is suggested. The argument in support of the charge, highly creditable as it is in other respects to the learning and ingenuity of its author, is just as void of precision and of specific intent in its conclusions, as the charge itself.

I submit it, without further remark, to the judgment of the court, whether the second charge be not so indefinite and so incapable of any appropriate meaning from which a criminal offence may be inferred, as to strip it of all efficacy as a charge under which any judicial trial may be had. The charge falling, every specification depending on it falls with it, as of course. I desire, nevertheless, to be indulged with a few remarks upon the merits of each of the specifications.

Specification first. If the strictures upon the terms of the charge itself be at all founded, this specification must be clearly untenable; while, on the other hand, a successful argument in support of the general charge would not help the specification. For, after it shall be made to appear that "insubordinate conduct," predicated of a moral agent, is equivalent to "*insubordination*," and so denotes some military offence in such agent, it must still remain an enigma what "insubordinate character" means when predicated of a *letter*. The moral agent may commit a breach of subordination by writing a letter when forbidden, or not writing when commanded; but what positive quality of subordination or insubordination may inhere in the letter itself, is the mystery.

The "*insubordinate* character" charged upon these letters is altogether unintelligible and absurd; their "*disrespectful* character" too vague and uncertain to produce any legal consequences. Disrespect, in any form of words, written or oral, is not recognized as a species of offence in the *naval*, as it is in the military, articles of war. If the latter, it was defined and limited by a specific enumeration of the personages to whom the offence might be offered; and from that enumeration the Secretary of War is excluded; and there could be no possible reason why the feelings of the one Secretary should be held any more sacred and inviolate than the other; still less that the naval articles should have interpolated in them a new and fanciful species of offence, merely for the sake of placing the one of these officers upon a footing of pre-eminence over the other. The naval articles punished *contempt* to a superior officer while in the exercise of the duties of his office; no species of disrespect short of contempt, so manifested, could be punishable under these articles. Contempt, so manifested, implied something more than mere words; it implied either acts or words attended by the practical consequence of impeding or insulting a superior officer in the very act of discharging his duty; it stood next in degree to *mutinous* words. What should constitute disrespect, either in a verbal or written communication, is altogether arbitrary, depending upon etiquette in many instances, and upon certain minute observances wholly beneath the gravity of judicial notice. What might be entirely unexceptionable on one occasion, might be highly disrespectful on another. Besides, the Secretary of the Navy, if he be intended as the person to whom these letters were disrespectful, does not stand in the relation of *superior officer* contempleted by the naval articles of war, which evidently refer to the gradations and relations of mere military rank. The

Secretary of the Navy is exclusively a *civil* officer, without military rank, or other connection with it than as the organ of communication between the Executive and the officers of the navy.

But, after all, what is there *disrespectful* to anybody in these letters? They complain of real or supposed grievances. They freely remonstrate, it is true; and when officers of the navy or army may not do that with impunity they must be abject indeed, if not debased. The military articles of war expressly authorize the appeal of the meanest soldier, and so through all the gradations of military rank, when he thinks himself *wronged*. Then any officer or soldier of the army may complain of *wrong* from his immediate superior, without offence; and what shall restrain an officer of the navy from complaining and remonstrating against alleged injustice? The question is not now triable by this court, whether I were well grounded in my complaint, but whether it were urged in indecent or abusive language.

The examples of free and uncensured complaint and remonstrance from military men to or against their superiors, are numerous in the services of this country and of Europe. If I were called upon to explain or justify the tone of complaint indicated by the correspondence now produced, I should be at no loss to specify such reasons as, upon the coolest reflection, I still think well founded.

The manner of my recall, so incommensurate, as I then knew, and as I still know, with the merits of my conduct, which, if it had been as well understood then as it must be now, I do verily believe would have been applauded, instead of being censured; the inequality between the treatment I received and that extended to others, under like circumstances; the continuing to hold me up, without investigation, and for so long a time after I tendered myself prepared for the investigation, were all circumstances that bore hard upon my thoughts.

The contrast in the triumphant and magnanimous support of General Jackson against the heaviest and most menacing cloud of discontent, and in the delicate treatment of Captain Cassin (as explained in the order from the Navy Department to me, of the 9th April, 1823), who had the option to come home to explain his conduct, or to transmit a written explanation against grievous complaints (severe and unjust as they were) of the Spanish minister, all conspired to convince me that I had in some way forfeited the favor of the administration. Nor did the administration appear so instantly and spontaneously struck with the enormity of my transgression at Foxardo as to account for my severe treatment; for my official report of the transaction lay for more than three weeks unnoticed in the Department, and my letter of recall bears date on the very day (December 27, 1824) that the inquiry concerning the affair was moved in Congress. Besides, the Secretary's letter to me (April 20, 1825) seems willing to ease off the weight of the blow, by mixing up other causes for my recall. I had, it is true, intimated a conditional wish to be relieved from the command, but I could never have inferred from the tenor of my letter of recall, that it was in any degree caused by such intimation.

I take this occasion to say, that I should despise myself if I were capable of insult or rudeness to a gentleman to whom I stood in my then or present relations to the President, and to the Secretary of the Navy. I should hold it as unmanly to stand mute and awe-struck, when I conceive myself justly entitled to complain. If any passage of my letters could reasonably have borne such a construction, I should have been grieved, and would unhesitatingly have disclaimed the inference.

Specification second. What law or what usage prohibits a public report of the proceeding of any court, after the judicial function on that subject had been executed and the court dissolved? The only possible mode in which an offence can be committed by the publication, in detail, of judicial proceedings, is whilst they are pending, and may be prejudiced by the publication; and in that case the character and degree of the offence is a contempt of court, punishable as a contempt by the identical tribunal whose authority is insulted, and punishable in no other way. The proceedings of the court were necessarily public, but it is allowed that the printing of detailed statements of them, pending the trial, is improper, because it operates practical mischief on that identical proceeding. But when the trial is finished the mischief ceases, and upon the dissolution of the court, the only authority that could have taken cognizance of the offence, had ceased.

Specification third. This specification, in so far as it charges simple inaccuracies in my statement of the proceedings of the court of inquiry, is frivolous in its terms, and it turns out to be still more so in the proof. For, if every variance between the printed report and the record could justly be charged as the mistakes of the former, they were wholly immaterial, and it is too favorable a representation of them to say they were merely verbal, for they even descended into the *minutiæ* of punctuation and orthography, and even of emphasis, if such may be understood by the term of *italicising*. The only circumstances that could have given any legal or moral effect to this specification, would have been to charge substantial errors in the printed report, materially varying the sense, and to have charged them as proceeding from a corrupt and malicious motive; but the variances are not proved to have been chargeable to any mistake of mine or my clerks. In the original record, in more than a dozen instances, where erasures appear and words are interlined or added, in a different handwriting from the body of the record, clearly showing alterations to have been made on its face, after it had been fairly transcribed from the original minutes of the judge advocate, my copy reads to the greatest exactness with a fair transcript, before it was altered, retaining all the passages erased, and omitting all those interlined or added. Then there are two evidences in favor of the original correctness of my copy, viz: the clerk who originally transcribed from the judge advocate's minutes, and the clerk who copied for me; from which it clearly appears that these differences were produced, not by the error of my copying clerk, but by alterations of the minutes or record, after my copy had been given out. I presume the judge advocate had a right to make these alterations, and I complain not of them, but I do complain of their being made the ground of a serious charge of incorrectness in my publication. The record contains other circumstantial evidence, most convincing to the same point; but I forbear to enter into further details. One of the most important differences between the two copies consists of an amendment of the original minutes ordered by the court itself, which amendment I inserted in its proper place, and erased the erroneous entry which that amendment should have supplied. Whereas the judge advocate left the original minute to stand as erroneously entered, and entered a minute of the amendment in another place. As to such documents and proceedings as are charged to have been omitted, I accounted for the omission on the face of the publication, by stating I had applied for them but could not obtain them. As to the transposition of the documents, that is explained to mean an inversion of the order in which they had been originally placed and numbered, and needs no remark, as it stands on a level with their errors in grammar, orthography, punctuation, emphasis, &c.

Specification fourth. What is unwarranted by fact, or what disrespectful to the Secretary of the Navy, or the court of inquiry, in any of the remarks, statements, or insinuations here complained of, has never, to this day, been explained. That complaints are made to the Secretary of the Navy, of acts to which he was the organ, is true; that certain proceedings of the court of inquiry are remarked upon, and freely criticised, but in terms wholly unexceptionable. I have not assailed their motives, nor their understandings, but have endeavored to demonstrate certain errors in judgment, that bore hardly, as I conceived, upon my particular case. What may be the standard of the deference and respect due from a military or naval officer to a military or naval court of inquiry, I know not. But this I know, that complaint and remonstrance from persons far more delicately situated towards the persons addressed, and the intercourse between whom is guarded by far more jealous punctilios—I allude to the relation between a military officer and the legislature of his country—and I cite, as an example, the memorial of General Jackson to the Senate, in which he freely and severely censures the proceedings of a committee of inquiry. Let the terms of my complaint be compared with those of General Jackson's memorial, and it will plainly appear how much I kept myself within the allowed limits of complaint. Yet the Senate, after debate and full deliberation, voted the memorial unexceptionable, and ordered it to be printed. And General Jackson lives in the heart of the nation—an honored member of the very Senate which had so magnanimously brooked the freedom of his remonstrance; and only second in the competition for the highest honors of the State.

Specification fifth. This specification, both as stated in terms and as made out in proof, assumes that it is a military offence, punishable by a court-martial, for an officer to make public any communication whatever; no matter how innocent or indifferent, without first obtaining leave. Upon what authority so strange a position is assumed, is not explained, nor may it be easily conjectured. If secrecy be enjoined, either expressly by the terms of the communication, or impliedly by its nature, and the injury to the public service which a disclosure might produce, the publication of it would be highly improper, and, according to circumstances, might bring him in the danger of the legal charge of *scandalous conduct.* But as to official communications in general, not impressed with this special character of secrecy, there is usually less delicacy or reserve concerning them than is customary with the correspondence of private gentlemen; because the former are, in some sort, public documents, and the same motives of delicacy are not applicable to them. The correspondence here charged as published, without leave, was thought necessary to the exposition of some part of my conduct before the public; and I contend, there was no possible injury to the service from its publication.

Having gone through all the stated charges and specifications, it seems I am called upon to answer some collateral matter, having no manner of connection with the real merits of any question involved in the present trial: unless it be supposed to be a legitimate mode of attack, to eke out the defects of the existing charges and evidence, by throwing the weight of an eminent man's character and opinion into the scale against me. I allude to the deposition of Mr. Monroe, taken without any legal authority, and containing within itself not a tittle of evidence, that can or ought to operate against me with any but the narrow-minded and the servile. In so far as it imports any disapprobation of my conduct, it is by ripping up some old causes of dissatisfaction, which ought not to have had any influence upon the conduct of the late administration in relation to the affair of Foxardo: and if it shall appear that they had such influence, I should rather consider it as furnishing me with new ground of complaint, instead of accumulating or aggravating any of the complaints, whether well or ill-founded, against me. I do infer, in the absence of all explanation of the purposes for which this deposition is adduced, that one of them is to take upon the late President all the responsibility of the various orders from the Navy Department of which I had at different times complained. If this means that I should have complained of the President, instead of the Secretary of the Navy, it implies that what was disrespectful to the head of the Department, would have been quite decorous to the chief magistrate. The truth is, that all my complaints of the manner of my recall, were addressed to the Secretary of the Navy as the regular organ through which I communicated with the administration: and whatever use I made of the personal pronoun in describing the source of the measures complained of, I should have been understood as speaking of the administration collectively. As to the short correspondence between Mr. Monroe and myself in March last, it was with the utmost surprise that I received an intimation during the present trial that it had been deposited in the Navy Department. Not that I mean to complain of its surrender to the purposes of the prosecution, but simply to express my surprise that a correspondence so trivial in itself, and merely personal in its concern, should have received so solemn a destination. Indeed the inoffensiveness of its contents serve to show how securely I might challenge investigation, since the most unscrupulous use of a private correspondence had produced nothing of which I ought to be ashamed. If there were anything that I could now desire to have expunged, the wish was dictated by a feeling of pride which I think it meritorious to repress, without regretting any errors of sentiment into which I may have been betrayed by any warmth or cordiality of temper.

D. PORTER.

Extracts from, and references to, the President's messages to Congress, and the documents accompanying the same, in relation to the transactions of the squadron under command of Commodore Porter; all which are referred to in his defence, and requested to be taken as part thereof.

Extract from the President's message to Congress, at the commencement of the first session of the eighteenth Congress, December 2, 1823.

In the West Indies and the Gulf of Mexico, our naval force has been augmented, by the addition of several small vessels, provided for by the "act authorizing an additional naval force for the suppression of piracy," passed by Congress at their last session. That armament has been eminently successful in the accomplishment of its object. The piracies by which our commerce in the neighborhood of the Island of Cuba had been afflicted, have been repressed, and the confidence of our merchants in a great measure restored.

The patriotic zeal and enterprise of Commodore Porter, to whom the command of the expedition was

confided, has been fully seconded by the officers and men under his command. And, in reflecting with high satisfaction on the honorable manner in which they have sustained the reputation of their country and its navy, the sentiment is alloyed only by a concern that, in the fulfillment of that arduous service, the diseases incident to the season and to the climate in which it was discharged, have deprived the nation of many useful lives, and among them, of several officers of great promise.

In the month of August, a very malignant fever made its appearance at Thompson's Island, which threatened the destruction of our station there. Many perished, and the commanding officer was severely attacked. Uncertain as to his fate, and knowing that most of the medical officers had been rendered incapable of discharging their duties, it was thought expedient to send to that post an officer of rank and experience, with several skillful surgeons, to ascertain the origin of the fever, and the probability of its recurrence there in future seasons; to furnish every assistance to those who were suffering, and, if practicable, to avoid the necessity of abandoning so important a station. Commodore Rodgers, with a promptitude which did him honor, cheerfully accepted that trust, and has discharged it in the manner anticipated from his skill and patriotism. Before his arrival, Commodore Porter, with the greater part of the squadron, had removed from the island, and returned to the United States, in consequence of the prevailing sickness. Much useful information has, however, been obtained as to the state of the island, and great relief afforded to those who had been necessarily left there.

Although our expedition, co-operating with an invigorated administration of the government of the Island of Cuba, and with the corresponding active exertions of a British naval force in the same seas, have almost entirely destroyed the unlicensed piracies from that island, the success of our exertions has not been equally effectual to suppress the same crime, under other pretences and colors, in the neighboring Island of Porto Rico. They have been committed there under the abusive issue of Spanish commissions. At an early period of the present year, remonstrances were made to the governor of that island, by an agent who was sent for the purpose, against those outrages on the peaceful commerce of the United States, of which many had occurred. That officer, professing his own want of authority to make satisfaction for our just complaints, answered only by a reference of them to the government of Spain. The minister of the United States to that court was specially instructed to urge the necessity of the immediate and effectual interposition of that government, directing restitution and indemnity for wrongs already committed, and interdicting the repetition of them. The minister, as has been seen, was debarred access to the Spanish government, and in the meantime several new cases of flagrant outrage have occurred, and citizens of the United States in the Island of Porto Rico have suffered, and others been threatened with assassination, for asserting their unquestionable rights, even before the lawful tribunals of the country.

Vide printed message, p. 9, 10.

Extract from the report of the Secretary of the Navy to the President of the United States, December 1, 1823, *accompanying said message.*

On the western side of the Atlantic ocean, and in the Gulf of Mexico, the operations of our naval force have been more active. Several vessels were in commission there at the close of the last year. To these were added, under the authority of the law passed at the last session of Congress, "authorizing an additional force for the suppression of piracy," the steam galliot Sea Gull, eight small schooners, the Grayhound, Jackal, Fox, Wild Cat, Beagle, Ferret, Weasel, and Terrier; five barges, the Musquito, Gnat, Midge, Sandfly, and Gallinipper; and one transport ship, the Decoy.

Captain David Porter was appointed to the command of the squadron, and sailed from Norfolk about the tenth of February last. His station was at Thompson's Island, from which he dispatched his vessels in such way as he judged best suited to attain his objects. The annexed extracts from his letters and reports exhibit the results.

The size of most of the vessels, the nature of the duties, and the exposure of the officers and men, called for a display of perseverance and fortitude seldom required of those engaged in our service; but the call was well answered. Everything was accomplished which was anticipated from the expedition. Piracy, as a system, has been repressed in the neighborhood of the Island of Cuba, and now requires only to be watched by a proper force, to be prevented from afflicting commerce any further in that quarter. The public authorities of the Island of Cuba manifested a friendly disposition towards the squadron, and rendered much assistance in the pursuit of its objects.

On the 5th of March, as Lieutenant Cocke, in obedience to the orders of Captain Porter, was entering the harbor of St. Johns, Porto Rico, in the schooner Fox, he was killed by a shot from the castle. Extracts from the correspondence between Captain Porter and the government of the island, on this subject, are annexed.

The squadron was healthy and prosperous until about the middle of August, when a malignant fever broke out at the station and destroyed many valuable lives. The first reports of this calamity were brought to the Department on the 17th of September. At the time they left the island, Captain Porter and most of the medical officers were sick, and there was great cause to fear that the squadron would be deprived of its commanding officer and of the medical assistance necessary to its safety. Under these circumstances it was considered expedient to send to the station an officer of rank and experience, with a sufficient number of surgeons to furnish, in any event, the aid necessary for the safety and proper conduct of the squadron, with power to remove it should that be found necessary. Captain Rodgers cheerfully consented to encounter the hazard and responsibility attendant on such an expedition. He sailed from New York as soon as a vessel could be prepared for the purpose; but, before his arrival, Captain Porter had become convalescent, and, with the greater part of the squadron, had returned to the United States. The reports of these officers will fully explain their views of the causes of the disease, and the means by which a recurrence of it may be prevented.

It is believed, that the Florida station is incalculably important to some of the best interests of this Union; and that it ought not to be deserted until every expedient has failed to render it a secure and healthy position, for our vessels. I feel great confidence in the opinion that it may be made such, without encountering great hazard of the evils we have heretofore suffered.

For the protection of commerce, and the suppression of piracy, in the Western Atlantic and Gulf of Mexico, it is proposed, in the ensuing year, to continue Thompson's Island as the station for the vessels employed in those objects; to place there a ship of the line, armed and manned as a frigate, for which purpose the Independence is well fitted; and to attach to the command the John Adams and Hornet, and one other sloop-of-war, with four of the large schooners, the Grampus, Porpoise, Shark and Spark, one of the small schooners, and the barges. This force is competent to protect all our interests. The ship of the line, placed in a proper position, will afford comfortable accommodations to those who are obliged to remain at the station, and prevent the necessity of intercourse with the island when danger is suspected. The cruises of the other vessels, except those which visit the coast of Africa, may be limited to four, five or six weeks, and on their return, their crews may be exchanged for others, who, during the time, have been stationary. By these means, and a proper attention to cleanliness, both in the men and the vessels, and avoiding intercourse with places known to be sickly, the health of all will probably be preserved. For the proper execution of such a system, full reliance may be placed in our officers. The island itself, by clearing, draining, and cultivating, will, after a time, probably become more healthful.

It will be perceived, that this distribution of force includes only one of the small schooners. They were admirably calculated for the end for which they were purchased, and have effected it. But piracy being for the present, repressed, and requiring only such a force as will prevent its revival, they are no longer necessary; and, being both very expensive, and utterly subversive of all discipline, it is respectfully recommended that they be sold, retaining one for the present season; after which, it may be sold.

Vide printed documents accompanying said message, p. 113–15.

Copies of correspondence of Commodore David Porter, and officers of the squadron under my command, in relation to the suppression of piracy, accompanying the said report and the President's said message; and for which, reference is here made to the copies of the said documents, printed by authority of Congress —from page 136 *to page* 194, *inclusive.*

Extract from the President's message to Congress, at the commencement of the second session of the eighteenth Congress, Dec. 17, 1824.

The force employed in the Gulf of Mexico, and in the neighboring seas, for the suppression of piracy, has likewise been preserved essentially, in the state in which it was during the last year. A persevering effort has been made for the accomplishment of that object, and much protection has thereby been afforded our commerce; but still the practice is far from being suppressed. From every view which has been taken of the subject, it is thought that it will be necessary rather to augment, than to diminish our force, in that quarter. There is reason to believe, that the piracies now complained of, are committed by bands of robbers, who inhabit the land, and who, by preserving good intelligence with the towns, and seizing favorable opportunities, rush forth, and fall on unprotected merchant vessels, of which they make an easy prey. The pillage thus taken, they carry to their lurking places, and dispose of afterwards, at prices tending to seduce the neighboring population. This combination is understood to be of great extent, and is the more to be deprecated, because the crime of piracy is often attended with the murder of the crews; these robbers knowing if any survived, their lurking places would be exposed, and they be caught and punished. That this atrocious practice should be carried to such extent, is cause of equal surprise and regret. It is presumed, that it must be attributed to the relaxed and feeble state of the local governments, since it is not doubted, from the high character of the Governor of Cuba, who is well known and much respected here, that if he had power he would promptly suppress it.

Vide printed message, p. 12, 13.

Extract from the report of the Secretary of the Navy to the President of the United States, December 1, 1824, *accompanying the last message.*

The manner in which the force assigned to the protection of our commerce and the suppression of piracy in the West Indies, has been employed, will be seen by the annexed letters and reports of Commodore Porter, marked C. The activity, zeal, and enterprise of our officers, have continued to command approbation. All the vessels have been kept uniformly and busily employed, where the danger was believed to be greatest, except for short periods, when the commander supposed it necessary that they should return to the United States, to receive provisions, repairs, and men, and for other objects essential to their health, comfort and efficiency.

No complaints have reached this Department, of injury from privateers of Porto Rico, or other Spanish possessions; nor have our cruisers found any violating our rights. A few small piratical vessels and some boats have been taken, and establishments broken up, and much salutary protection afforded to our commerce. The force employed, however, has been too small, constantly to watch every part of a coast, so extensive as that of the islands and shores of the Gulf of Mexico, and some piratical depredations have therefore been committed; but they are of a character, though, perhaps, not less bloody and fatal to the sufferers, yet differing widely from those which first excited the sympathy of the public, and exertions of the government. There are few, if any, piratical vessels of a large size in the neighborhood of Cuba, and none are now seen at a distance from the land. But the pirates conceal themselves, with their boats, in small creeks, bays and inlets, and finding vessels becalmed, or in a defenceless situation, assail and destroy them. When discovered, they readily and safely retreat into the country, where our forces cannot follow, and, by the plunder, which they have obtained, and which they sell at prices low and tempting to the population, and by the apprehensions which they are able to create in those who would otherwise give information, they remain secure, and mingle, at pleasure, in the business of the towns, and transactions of society, and acquire all the information necessary to accomplish their purposes. Against such a system, no naval force, within the control of this Department, can afford complete security, unless aided

by the cordial, unwavering, and energetic co-operation of the local governments; a co-operation which would render their lurking places on land unsafe, and make punishment the certain consequence of detection. Unless this co-operation be obtained, additional means ought to be entrusted to the Executive, to be used in such manner as experience may dictate.

Vide printed documents accompanying the last message, p. 110.

C.

The letters and reports of Commodore Porter, referred to in the last report of the Secretary of the Navy, as marked C: that is to say, such of the same as were made from the officers of the squadron, to Commodore Porter, whilst he was at Washington, in the summer of 1824, and by him officially transmitted to the Secretary of the Navy; also his own official reports to the Navy Department, during the same period, to wit:

Extract of a letter from Lieutenant Commandant James M. McIntosh to Commodore David Porter, communicated to the Secretary of the Navy, dated "Allenton, Thompson's Island, July 12, 1824."

Copy of a letter from Acting Lieutenant Alexander B. Pinkham to Commodore David Porter, communicated to the Secretary of the Navy, dated "U. S. Schooner Beagle, Quarantine Ground, N. Y., August 4, 1824."

Copy of a communication from Lieutenant Commandant N. L. Montgomery to Commodore David Porter, communicated to the Secretary of the Navy, headed "U. S. Schooner Beagle," &c., &c.

Extract of a letter from Lieutenant Commandant McIntosh to Commodore David Porter, communicated to the Secretary of the Navy, dated "Allenton, Thompson's Island, August 8, 1824."

Copy of a letter from Commodore David Porter to the Secretary of the Navy, dated "Washington, August 9, 1824."

Copy of a letter from Commodore David Porter to the Secretary of the Navy, dated "Washington, August 10, 1824."

Extract of a letter from Lieutenant Commandant Jas. M. McIntosh to Commodore David Porter, communicated to the Secretary of Navy, dated "Allenton, Thompson's Island, August 25, 1824."

For the contents of all which, reference is here made to the said documents, as printed by the authority of Congress.

Message from the President of the United States, December 28th, 1824, transmitting, (in compliance with a resolution of the House of Representatives of the 27th instant,) information relating to the visit of the naval officer of the United States, commanding in the West Indies, to the town of Foxardo, Porto Rico, in November last.

Vide message, printed by authority of the House of Representatives, 28th December, 1824.

Copy of a letter from the Secretary of the Navy to Com. David Porter, dated—

NAVY DEPARTMENT, *April* 9, 1823.

SIR: The enclosed copies, from the Spanish minister, Joaquin de Anduagua, exhibit very strong complaints against Captain Stephen Cassin, commander of the United States ship Peacock, which will render his return to the United States necessary, unless he can meet the accusations by denial, or evidence, so as to enable the Secretary of State to reply promptly to the Spanish minister upon the several grounds of complaint.

You will, therefore, communicate the enclosed to Captain Cassin, and either order him home, or return to me, as early as may be practicable, the evidence necessary to repel the charges.

I am, very respectfully, sir, your most obedient servant,

(Signed) SMITH THOMPSON.

Com. DAVID PORTER, *commanding United States Naval Force, West Indies and Gulf of Mexico.*

NOTE.—The copies referred to in the foregoing letter consist, 1st, of a letter from Mr. Anduagua, dated New York, March 7, 1823, making the most vehement complaints against Captain Cassin, of the Peacock, for the capture of the Spanish schooner Carmen, alias Galliga the Third, and charging Captain Cassin with the most outrageous and unjustifiable violence and misconduct towards the Spanish schooner and her crew; 2d, of the declaration, under oath, of the Spanish captain and mate, and the protest of the captain and crew, setting forth the facts complained of by Mr. Anduagua.

For the particulars, reference is here made to the original of the said letter from the Secretary of the Navy to Commodore Porter, and the documents therein referred to; all of which are hereto annexed.

[Translation.]

Declaration of the captain and mate of the Carmen.

At New Orleans, the 30th of January, 1823, presented themselves in this consulate of Spain, Don Jacinto Correa and Don Ramon de Echevavria, the former captain, and the latter mate of the Spanish schooner called Carmen, alias Gallega Third, which, on her voyage from the port of Sisal to that of Havana, was captured on the coast of that island, off the port of Cabanos, by the United States corvette-of-war Peacock, and the schooner Louisiana, also of war, of the United States, and the vessel brought to this

port; and the declarants, with the rest of the crew of the same vessel, were carried to Pensacola, where they were presented as pirates, and treated in the manner which they have expressed in the protest which they have exhibited, and of which a copy is annexed; and having made oath to God and the cross, in faith of which they promised to speak the truth, they declared that besides the facts of which they have made mention in their said protest, they witnessed the capture of other Spanish vessels, whilst they were prisoners on board the said corvette, in the following manner: On the night of the 29th–30th, September last, they saw the boats of the said corvette go off armed, the launch with a 9 to 12-pounder carronade, and all armed with pistols and cutlasses, and with marines and sailors, and by morning they returned on board without the declarants having seen any prize. On the following night the armed boats again went away, during which time they heard no noise, but after daylight they heard great guns on shore, or in the river Puereos, and afterwards they saw brought from said river, in the course of that day, five barges, which they brought with a red flag hoisted under the American, and they saw taken from on board some of those vessels (they were two schooners) about a hundred bags of coffee, which they brought on board the corvette, and another schooner marked with the No. 66 in the sail and side of the bow; she was brought alongside, and they took from her wood and ropes, of which was all her cargo, and after they had despoiled her of her sails and running rigging, with some useful rope and an old fowling piece, they afterwards took the mainmast and carried it on board the corvette. The other schooner appeared entirely loaded with part of the cargo over the covered hatches with ropes, in the form which the coasting vessels of that island commonly call hogsheads of sugar; the other two vessels also loaded and marked or numbered, but they did not approach sufficiently for the declarants to be able to distinguish the numbers, or to form a judgment of the nature of the cargo which they carried. Besides the above-mentioned five vessels, they seemed to set another, which was stranded, on fire, as they heard, on their departure from the said river of Puereos. They also saw them take on board the corvette, house furniture, birds of various kinds, such as turkeys, geese, pigeons, parrots, &c., and they heard two sailors, who spoke Spanish, say that they had gone on shore, and the people had abandoned their houses and everything; the three vessels which the declarants had an opportunity of seeing near, had not any armament, at least they were certain they had no artillery; and they add that they made no mention of these captures in their said protest, as being taken and unjustly prosecuted as pirates; they judged that they should confine themselves solely to their case and to nothing else. Thus they have declared under the solemnity of the oath which they have made, protesting it to be the truth, and that it does not proceed from malice, and they sign it in my presence, on the said day, month, and year.

JACINTO CORREA.
RAMON DE ECHEVAVRIA.

Before me: ANTONIO ARGOTE VILALOBEZ.
A true copy.

[Translation.]

Protest of the captain, officers, and crew of the Carmen.

In the city of Pensacola, on the 27th of the month of November, 1822, before me, Don José E. Caro, notary public of the Territory of Florida, and county of Escambia, appeared in my office Don Jacinto Correa, captain of the schooner called the Carmen, alias Gallega the Third, about half-past eleven of the said day, and requested that he might note his protest, to verify its formality in due form, in its proper time, and in evidence thereof he signed it with me, the said notary, which I attest.

JACINTO CORREA.

Before me:
JOSE E. CARRO.

Recorde i in book A, folio 2, date as above, one dash.

PROTEST.

In the city of Pensacola, on the 29th of the month of November, in the year 1822, before me, Don José Estevan Caro, notary public of this city and Territory of Florida, and county of Escambia, duly authorized and received, appeared Don Jacinto Correa, captain and master of the Spanish schooner named the Carmen, alias Gallega the Third, whom I certify and know, by his having presented himself to me in the morning of the 27th of the current month and year, about half-past eleven of the said day, and requested to note the protest, which he now makes in due form, and in virtue thereof says: That he sailed from the port of Havana on the 4th of August of the current year, under the protection of his Catholic Majesty's schooner brig packet the Mexico, and verified his entry in the port of San Juan de Ulloa, on the fifteenth of the same month of August, with a cargo of candles and cloths, and sailed from that port for that of Campeachy on the 23d of the same, his arrival in which he verified on the 1st day of September of the current year, and sailed for that of Sisal on the 10th of said month of September, where he arrived on the 12th, taking, in the said port, the cargo destined for said vessel by means of Messrs. Quijano, Guzman & Sons; said cargo consisting of the produce of that province, such as sole leather, hung beef, dried venison, bags of quenique, cotton wick, barrels of tallow, casks of the same, hides, tierces of garlic, tierces of dry fish, and hats; and he verified his sailing on the 19th of said month, pursuing his voyage, without anything new, until the 27th, when, about half-past eleven, he saw land, and, at twelve, found that it was the Pan de Guaigabon; and during the whole day nothing new occurred. At sunset he sat the said Pan at southeast by compass, without any fresh occurrence, and went on with steady winds; at daybreak he was in view of the Cottages, and set them within a short distance at south-southeaast. At said hour he saw a sail upon the bow, and in a short time it came upon his stern, wherefore he suspected it to be an enemy, trying to do what it eventually effected, by spreading all possible sail, and in a short time fired a gun shotted, and at the same time displayed the Spanish war flag, discovering that the chase was a corvette, which had fired, and was pursuing in chase, continuing the firing. At this time he saw another sail ahead, and a little afterwards it fired a gun, and displayed the American flag; and he discovered, at the same time, that it was a schooner, and with a

light wind from south-southeast approached him with sails and oars, and fired at him another gun, by which means, being between two fires, he found himself under the absolute necessity of lying to.

In a few minutes a boat from the corvette came on board of him, with a suitable crew, armed with cutlasses, and some three or four officers, to whom, demanding the vessel's papers, he immediately exhibited them—namely, the royal patent, the roll d'equipage, the ship's journal, the entry of the cargo, which he had on board, sealed, as usual, and which they then took away and kept in their possession, along with the other papers which he had exhibited, and at the same instant they ordered the hatches to be opened, which was very particularly opposed, and upon this, the second commander of the said corvette Peacock, (which he soon understood was her name,) threatened him by telling him that he would divide his head from his body if he opposed what he had ordered, and what else they should determine; in this case he proposed to protest at the same time, but he was not permitted, nor was his entreaty attended to; not even to inform him of the name of the corvette, or of her commander.

They then caused him to embark in the boat with the steward and the cook, leaving the hatches open, as decided owners of the vessel and cargo, although the pilot and the rest of the crew remained on board; proceeding to the examinations which they judged necessary in the manner which best suited them.

He considered by the return of the boat, which had brought him to the schooner already mentioned, that it was no longer under his authority; they carried to the corvette the pilot and the rest of the crew, and part of the provisions, having previously caused the pilot to deliver to one of the officers who had come from the corvette Peacock the public correspondence of the province of Yucatan, from whence he proceeded, the nautical instruments, and other letters and papers of the greatest value—not here making mention of the clothes and money, which, from forgetfulness and the precipitation of embarking, and being conducted on board the corvette Peacock, he left forgotten on board the said vessel, making in the whole about $373, of which sum no account has been made by the officer of the troops of that vessel, except of thirty-nine dollars, and which he will declare at a more fit opportunity, under due oath.

Being a prisoner, with all the rest of his crew in the corvette Peacock, he begged the commander of the said corvette, in the name of the whole crew, to carry them to Havana, which was not permitted, nor his solicitude attended to; he himself, as well as the crew, experiencing from that time rigors not seen in the law of nations, having manacles put upon him, as also upon his crew, being treated and looked upon as guilty of the greatest crime in the world, during the five days that they remained in that vessel. After the five days mentioned, he was conducted with the crew to the schooner Louisiana, and the commander was impressed in his mind with the idea that three individuals of the crew were English, and that by compulsion they might be made to speak the English language, whilst they did not understand one word of such language, and under this suspicion, he threatened them with the yard arm, from whence he made signs that he would hang them if they did not comply with his proposition. On that day there was a new pillage with regard to him and the crew, when each one opened his trunk on board the corvette Peacock, yet they appropriated nothing to themselves; but from the schooner Louisiana the said trunks came into their power in Pensacola, in the camp where the United States troops reside; and they were carried prisoners under the guard of said vessel Louisiana, on the 16th of October of the current year; and his trunk, as well as those of the rest, were brought to said encampment where they were prisoners, and were delivered to them empty; observing that the cabin boy, named José Silvestre, of an Indian nation, taken on board at Sisal, remained on board the corvette Peacock; and $27 which were delivered to the second in command, and thirty-nine which the officer of the troops declared he had met with on board of his vessel; and in the schooner Louisiana, forty-seven dollars and seven reals, of which sums, as yet, he had taken no notice; declaring, in the same manner, that when the corvette Peacock fired the three cannons, she raised the Spanish flag of war, and they were taken under the same; and as soon as he was a prisoner she hoisted the war flag of the United States, and while a prisoner in said encampment with the rest of the crew of his vessel, whither they were conducted in the custody of said vessel, the Louisiana, and a beginning was made to their justification against the crime of piracy charged against them. The said captain and the pilot, Don Ramon Echevavria, and the passenger, Don Juan Ferreria, were set at liberty on bail, on the 27th day of the current month and year, still leaving the rest of the crew captives in said encampment, adding that the Spanish inhabitants of this city, condoling with the said situation in which they were, had covered their nakedness; and forasmuch as at no time could there be attributed to him any blame in a similar occurrence, nor was he chargeable with it in any way or manner; he protests once, twice, and thrice, and as often as the law permits him, against said vessels Louisiana and Peacock, for all the damages, losses, and deteriorations which, by the capture, may or might originate to the said Carmen, alias Gallega the Third; and for proof, presents as witnesses, the pilot, Don Ramon Echevavria; the boatswain, Manuel Agaio, and the sailors, Vicente Arias, Manuel Lopez, Jose Chanzino, and the passenger, Don Ferreria, whose oath I took in the same act; and having read to them the present protest, which the said captain was resolved to verify, they declared unanimously and together, that as far as the said captain had explained was true; the captain, boatswain, pilot and crew signing it: in faith of which, I, the said notary, sign and seal, with the seal of my office, in Pensacola, the proper day, month and year, which I attest.

JACINTO CORREA.
RAMAN DE ECHEVAVRIA.
MANUEL AGACIO.
JUAN MARTIN FERRERIA.
VINCENTE ARIAS.
MANUEL LOPEZ.
JOSE CHANNE.

Before me:

JOSE E. CARO, *Notary Public.* [SEAL.]

By George Walton, Governor of the Territory of Florida, and county of Escambia:

I do hereby certify, that Joseph E. Caro, Esquire, whose name is subscribed to the within instrument of protest, was, at the time of signing the same, and is now, the regularly appointed notary public for the Territory and county aforesaid, and that full faith and credit are to be given to all his acts and doings in that capacity.

Given under my hand and private seal, (there being no seal of office,) at Pensacola, in the Territory aforesaid, this 29th day of November, 1822, and of the independence of the United States the forty-sixth.

(Signed) GEORGE WALTON,
Secretary and Acting Governor of the Territory of Florida.

Recorded in book A, folios 2, 3, 4, and 5, of the book intended for that purpose.

JOSE E. CARO, *Notary Public.*

PENSACOLA, date as above.

A true copy of the protest which they have presented to me, and I return to the interested.

(Signed) ANTONIO ARGOTE VILLALOBOS.

NEW ORLEANS, *February* 3, 1823.

A true copy.

[Translation.]

Don Joaquin de Anduaga to the Secretary of State.

NEW YORK, *March* 7, 1823.

SIR: I have the honor to send you enclosed, copies of the protest made in Pensacola, by Don Jacinto Correa, captain of the Spanish schooner called the Carmen, alias Galliga the Third, and of a judicial declaration made by the same, before the consul of Spain in New Orleans.

In both documents are set forth the capture of the said schooner, by the United States ship-of-war Peacock, and the oppression and robbery committed by her crew; all which has been confirmed to me by the Captain General of the Havana, and by the consul of Spain at New Orleans. As the circumstances of these crimes are expressed in the enclosed documents, I avoid repeating them in this note, and shall rest content with calling your attention to three of the principal, which are: the Peacock having made the capture with the Spanish flag; the violation of the public correspondence between two provinces of his Catholic Majesty; and the malicious contrivance of Captain Cassin, in sending the crew of the Carmen to Pensacola, and the vessel to New Orleans, that there might be no one to defend her there. Such violations of all public law, and such refined perfidy, are so evident and odious, that I think it unnecessary to insist upon them, since it would be doing an injury to the sense and justice of this government. Notwithstanding the insidious precaution of Captain Cassin, scarcely had the courts of Pensacola and New Orleans examined the case, when the former declared the crew innocent and set them at liberty, and the other ordered the restitution of the vessel, which saves me the trouble of proving the illegality of the capture: and it only remains with me to request, that the President would be pleased to order satisfaction to the owners of the schooner Carmen, for the losses and damages which they have sustained, and that the money and effects of which they have been plundered, be restored to the crew. This is what it concerns me to ask in favor of said individuals; but the just satisfaction of my government, the assurance in future of due respect to the Spanish flag, and the lives and property of Spanish citizens, impose upon me the obligation of speaking to you with that frankness which ought to subsist between two friendly powers, and whose interest it is to maintain the greatest harmony.

The injuries done by this country to his Catholic Majesty and to his subjects are not confined to expeditions of individuals for the conquest of his provinces, to hostilities under the insurgent flag, to building armed ships for the enemies of Spain, to furnish these men with munitions of war, &c., but they have gone to attack publicly the vessels of Spain by ships-of-war of the United States, and to trample upon Spanish citizens by American officers; the excess being carried to such a pitch that his Catholic Majesty's territory is violated, and if a speedy check be not put to it the Spanish commerce must be in dread of the ships-of-war of a nation which is said to be friendly, as it would be of another with which it was in a complete state of rupture.

The violations of neutrality and of friendship between two nations, committed by individuals, always give room to the offended power to believe that they have taken place without the knowledge, and against the will, of the government of the aggressors, and that it will grant a competent satisfaction; but when this is not only refused, and not even private citizens but the ships and officers of that government give the insult, and commit hostilities with its approbation, since it neither punishes them nor prevents them from continuing their aggressions, the illusion must cease. And, alarmed for the intentions of said government, the imperious obligation which it is under of protecting its subjects, lays it under the necessity of demanding a frank explanation of them, and indispensable provisions for the putting a stop to the scandal of acts which, continued, could only be followed by consequences which his Catholic Majesty has a lively desire of avoiding; it being his most sincere wish to preserve inviolate the friendship which he professes towards this republic.

Vain have been my repeated remonstrances to obtain satisfaction for the insults offered to my government and fellow citizens by the American officers; and if in the courts of the United States the Spaniards have found justice, the government has not only refused my petitions, but has not even given an answer to the greater part of my notes. The very sentences of the courts prove the justice of my complaints against the said officers. And when it is seen that this government, in spite of these complaints, and the opinion of the most eminent and just judges of this republic, refuses to his Catholic Majesty the satisfaction which is his due, does not answer the representations of his minister, and continues its protection and favor to the officers accused, the suspicion is allowed that its friendly sentiments towards Spain have undergone an alteration. This doubt will be extremely painful to his Catholic Majesty, wherefore I spend more time in requesting you to be pleased to clear it up; and this can be done in no other way than by giving to his Majesty the satisfaction which he has demanded for so great injuries, with the punishment of the officers who have committed them, especially of Captain Cassin, and giving the most peremptory orders that they be not repeated.

The multiplied proofs of friendship which his Majesty has given to this republic, the sacrifices which he has made in its favor, and the utility which results to both nations in the continuance of a good

understanding between both, are to me a sure guarantee that the President, deigning to take into consideration the important contents of this note, will be pleased to order such an answer to it as will at once dissipate the disagreeable impressions which the acts of the American officers have made, and assure his Catholic Majesty that his desires for the continuance of the strictest friendship with this republic will be fulfilled.

I repeat my devotion to you, sir, and pray you to accept the assurance of my high consideration.

(Signed) JOAQUIN DE ANDUAGA.

DEPARTMENT OF STATE, *August* 1, 1825.

I have compared the above copy with my original translation, and find it correct. I also know of no answer having been given to it.

GEORGE C. IRONSIDE, *Clerk, and Translator of Foreign Languages.*

NAVY DEPARTMENT, *April* 9, 1823.

SIR: The enclosed copies from the Spanish minister, Joaquin de Anduaga, exhibit very strong complaints against Capt. Stephen Cassin, Commander of the U. S. ship Peacock, which will render his return to the United States necessary, unless he can meet the accusations by denial or evidence, so as to enable the Secretary of State to reply, promptly, to the Spanish minister upon the several grounds of complaint.

You will therefore communicate the enclosed to Captain Cassin, and either order him home, or return to me, as early as may be practicable, the evidence necessary to repel the charges.

I am, very respectfully, sir, your most obedient servant,

SMITH THOMPSON.

Com. DAVID PORTER, *commanding U. S. Naval Force, West Indies and Gulf of Mexico.*

A.

To James Barron, Esq., captain in the navy of the United States:

Certain charges of misconduct having been alleged against David Porter, Esq., a captain in the navy of the United States, and others, a general court-martial, to consist of Capt. James Barron, *President*, Captains Thomas Tingey, James Biddle, Charles G. Ridgely, Robert T. Spence, John Downes, John D. Henley, Jesse D. Elliott, James Renshaw, Thomas Brown, Cha's C. B. Thompson, Alex'r S. Wadsworth, and George W. Rodgers, *members*, or any five, or more of them, is hereby authorized and ordered to assemble at the United States Navy yard, in Washington, on Thursday, the seventh day of July next, for the trial of the said Captain David Porter, and others, for the offences with which they do severally stand charged; which charges, together with the testimony in their support, will be laid before the court by the judge advocate.

Richard S. Coxe, Esq., is hereby appointed judge advocate to the court hereby ordered to assemble; and if he should decline acting, the said court will appoint such other suitable gentleman, learned in the law, to discharge the duties of judge advocate to the said court, as they or a majority of them may, in their wisdom, deem fit and proper.

In faith of which I have hereunto signed my name and affixed the seal of the Navy Department of the United States, this twenty-third day of June, in the year of our Lord one [L. S.] thousand eight hundred and twenty-five, and of the independence of the United States the forty-ninth.

SAM'L L. SOUTHARD.

B.

MR. PRESIDENT: Thus called upon to declare my exceptions, if any I have, to any of those members of the general court-martial here assembled, who are to exercise a *judicative* function in my case, and to have a voice in pronouncing my guilt or innocence, I do, without hesitation, renounce every such exception. Even if it were so, that any member of this court should, unknown to me, be affected by any prejudice or bias unfavorable to an impartial judgment on my case, I rely too implicitly on the known character of my brethren in arms to think of scrutinizing the motives of any. Their own breasts are sufficiently informed, by justice and honor, of the proper course to be pursued in such case.

But, sir, I do find myself very reluctantly impelled, not more by a sense of the justice due to myself than by a regard for the honor of the service, and for the wholesome safeguards of military jurisprudence, to interpose, at this precise stage of the business, some fundamental objections to so much of the essential material of the court as consists in the functions of the judge advocate. The grounds of my exceptions to the gentleman named as judge advocate in the order for convening this court, detract nothing from the great learning and abilities for which he is so well known, nor from the general integrity and fairness of his character. That a juror, summoned on a criminal trial, before a court of ordinary judicature, or a member of a court-martial, may be challenged, either peremptorily or for cause, without the least disparagement of his personal or professional character, is too well established to require a contrary inference to be disclaimed on any occasion.

My exceptions go, first, to his legal competency and authority to assume and exercise the functions assigned him by the Secretary of the Navy; and, secondly, if he should be found duly appointed, to the temper and bias of his mind in relation to this particular case.

1. Then, I ask, does he claim to be judge advocate *ex-officio*, or merely to officiate as such, under a

temporary delegation of authority, for this particular occasion? If the first, let his commission be produced, and the question on this point is at once settled. A judge advocate is an officer of such importance in every military establishment, whether of the land or naval service, the due administration of his office so vitally affects the most inestimable rights of the officers and men attached to the service, as makes it altogether inconceivable how his appointment should emanate from any less authority, or be manifested by any less solemn act than that of any other officer, civil or military, under the government. This brings us directly to the authority of the President of the United States, executed in the solemn form of a regular commission. Under the Constitution and laws of the United States it cannot be pretended that the Secretary of the Navy, or any authority less than that of the supreme Executive, can make such an appointment. If, however, it be no judge advocate, *ex-officio*, who presents himself, but merely one with a temporary delegation of authority to act as such on this special occasion, then I ask who is competent to such delegation of authority, and from whom does it actually proceed in this instance?

No express provision appears to have been made in the naval, as there has been in the military, establishment for the appointment, either of regular judge advocate, or of persons specially deputed to act as such. Yet the existence of the office, and the practical exercise of its functions, in both descriptions of persons, are recognized in the rules and regulations for the government of the navy, which speak of "the judge advocate" as distinguished from the "person officiating as such;" thus impliedly admitting an authority somewhere, to appoint to the office, or to delegate its functions in either mode.

I do not, therefore, question the propriety of assigning the functions of judge advocate, as well in naval as in military courts-martial, to any person, either regularly appointed to the office, or specially deputed to officiate as such in a particular trial. Then the only question is, how, and by whom may a person be so deputed to act in the place of an official judge advocate to a *naval* court-martial? The laws of the United States being silent on the question, it follows that, wherever the power may reside, it is in its nature strictly *incidental;* and, as such, can be claimed only by that officer, or that tribunal, to whose fundamental constitution and inherent powers it bears the nearest affinity and the strongest analogy. Upon these principles I maintain that it is altogether foreign to the general constitution and powers of the Navy Department, and bears no affinity or analogy to the ordinary functions assigned to the head of that Department; but, on the contrary, that it is perfectly consistent and in strict analogy with the peculiar constitution and powers of the court-martial itself; and devolves, among other incidental and resulting powers, upon that tribunal as the appropriate depository of every authority necessary to the orderly progress and the due authentication of its proceedings.

Such is the invariable practice of naval courts-martial in England; and it is sustained by the most authoritative precedents in our own service. I refer to one precedent now in my mind, namely, the court of inquiry on Captain Hull, and, I doubt not, many others extant. The appointment of its own *clerk* (an office distinctly appertaining to the functions of judge advocate) may indeed be assumed as an universal incident to the constitution of every deliberative body and judicial tribunal, unless vested by express enactment in some other department. If, then, the deputation of a person to officiate as judge advocate in this case proceed from the sole authority of the Secretary of the Navy (as I understand is the fact), I except to its competency, and maintain that it should be supplied by an appointment from this court.

2. But if the learned gentleman named by the Secretary of the Navy should be found on examination to be duly authorized, in any way, to officiate as judge advocate, I except to him as being actuated by a manifest bias of prejudice and interest to labor for my conviction, and to exert the uttermost of his ingenuity, skill and learning, to fix upon me all, or the greater part of the charges exhibited against me. Before I state more particularly the facts upon which this exception proceeds, I beg leave to advert very cursorily to the qualifications and functions of a judge advocate, as defined by the concurring authority of all the most approved writers on military jurisprudence.* According to these authorities, he is the *primum mobile*, as it has been termed, of the court; upon him the court depends for an impartial and candid exposition of the law, and should expect to lean upon his advice with entire confidence. Not only is the absence of every sort and degree of prejudice or bias against the prisoner indispensably required of him, but *absolute impartiality* is the least *favorable* state of mind requisite to fulfill the humane behests of the law by which his relative duties towards the prisoner are defined; for it is expected that he will rather incline to the side of the prisoner, and, upon all doubtful questions, decide in his favor; that, as the recorder of the evidence and of the court's proceeding, he be studious to collect and record every circumstance that may weigh in favor of the prisoner; nay, in many instances, that he act as his counsel. This last office I happen to be so fortunately situated as to be able to dispense with. But cases may possibly arise when it might be indispensable to the cause of justice and humanity; and I am now contending upon this, as upon every other question involved in my approaching trial, for principles which, apart from their practical operation upon my particular interests, are important to the dearest interests of the service; for principles in the subversion or contempt of which no officer or man in the service can hold any security for life or honor inviolate.

Then the judge advocate, as acting this essential and prominent part in the constitution and in the deliberations of a court-martial, is unquestionably as fair a subject of challenge, whether peremptory or for cause, as any other member of the court. The reason and necessity of the thing are the same; the law cannot be different.

As to the cause of challenge, I might well maintain, upon the most respectable authority, that I am not bound to assign any; but that I am entitled to a peremptory challenge.† I shall proceed, however, to assign my reasons openly and candidly; with this preliminary illustration of the principles by which the sufficiency of "challenges to the favor" is usually determined, namely, that circumstances which raise a *suspicion*, very far short of any direct proof of *bias or partiality*, are deemed sufficient cause, either against a juror in a criminal trial, or against a member of a court-martial, a strict analogy between the two being preserved in military jurisprudence.‡

When the functions and relative duties of a judge advocate are considered, it is not to be imagined that any lower standard can be applied to the qualification of dispassionate, disinterested and impartial

* 1 McArthur (4th ed., London), 279, 291, 441, app. No. 26 Judge Bathurst's opinion; Adye (7th ed., London), 113, 115, 118; Macomb, 166, 167, 169, 170-1.

† Adye, 120-3.

‡ Id., 175.

judgment in him; if, indeed, the absolute freedom of his mind from every interfering bias and passion be not subject to a still severer test.

The facts upon which my present exceptions are grounded furnish superabundant matter for the application of these wholesome and necessary rules. I have direct and certain information that the gentleman now claiming to officiate as judge advocate, has written and published at least one anonymous piece, distinctly asserting the truth of one of the specifications now exhibited against me, and so has pledged his credit, in a way utterly incompatible with requisite impartiality, to fix a charge upon me which, from its nature, may result in a question of veracity between himself and me. I am further informed, though not upon such direct and certain authority as in the other instance, but from sources pregnant of probability and truth, that he has employed himself in writing, and has quite or nearly ready prepared for the press, a pamphlet professing to be a full answer to my published defence against the principal charge now to be tried, and laboring to establish, by facts and reasonings, the conclusion of my guilt.

Of these facts I doubt not of being able to produce the most satisfactory evidence, if the voluntary and candid avowal of the gentleman himself should not dispense with it.

Then I would ask, what is left for him, on this occasion, but to redeem his public pledge, and to vindicate his own preconceived, divulged and fixed opinion of my guilt? And how is this to be reconciled with any of the legitimate functions of a judge advocate?

THURSDAY, *July* 7, 1825.

C.

Charges and specifications exhibited against David Porter, Esq., a captain in the navy of the United States.

CHARGE FIRST.

Disobedience of orders, and conduct unbecoming an officer.

Specification. For that he, the said David Porter, being in command of the naval forces of the U. States, in the West India seas, Gulf of Mexico, &c., did, on or about the fourteenth day of November, in the year of our Lord one thousand eight hundred and twenty-four, with a part of said naval forces, land on the Island of Porto Rico, in the dominions of his Catholic Majesty, the King of Spain, then and still in amity and at peace with the United States, in a forcible and hostile manner, and in military array, and did, then and there, commit divers acts of hostility against the subjects and property of the said King of Spain, in contravention of the Constitution of the United States, and of the laws of nations, and in violation of the instructions from the Government of the United States to him, the said David Porter.

CHARGE SECOND.

Insubordinate conduct, and conduct unbecoming an officer.

Specification first. For that he, the said David Porter, did write and transmit to the President of the United States, a letter of an insubordinate and disrespectful character, to wit, on the seventeenth day of April, in the year of our Lord one thousand eight hundred and twenty-five; and did also write, and transmit to the Secretary of the Navy, at sundry times hereinafter particularly mentioned, various letters of an insubordinate and disrespectful character, viz: on the thirtieth day of January, the sixteenth day of March, the thirteenth day of April, and the fourteenth day of June, all in the year of our Lord one thousand eight hundred and twenty-five, thereby violating the respect due from every officer in the navy to the head of the Department, impairing the discipline of the service, and setting a most dangerous and pernicious example.

Specification second. For that he, the said David Porter, after a court of inquiry had been convened and directed to investigate and make report of the facts in relation to the matters embraced in the specification of the first charge, and after such court had terminated its inquiries, and had transmitted its report to the Secretary of the Navy, and before the Executive had published or authorized the publication of the proceedings of said court, did publish, or cause to be published, a pamphlet purporting to contain the proceedings of the said court of inquiry.

Specification third. For that he, the said David Porter, in the publication made, as mentioned in the last preceding specification, did give an incorrect statement of the proceedings of the said court of inquiry.

Specification fourth. For that he, the said David Porter, did, in the publication referred to in the said two last preceding specifications, insert various remarks, statements and insinuations, not warranted by the facts, highly disrespectful to the Secretary of the Navy, and to the said court of inquiry.

Specification fifth. For that he, the said David Porter, did, in the same publication referred to in the said last preceding specification, without any authority or permission for that purpose, make public official communications to the government, and official correspondence with the government; and has, on other occasions, between the first of October, in the year of our Lord one thousand eight hundred and twenty-four, and the fifteenth day of June, in the year of our Lord one thousand eight hundred and twenty-five, without authority or permission therefor, made public orders and instructions from the government, and official correspondence with the government.

D.

NAVY DEPARTMENT, *July* 8, 1825.

SIR: Your letter of the 7th instant, stating that it is the desire of the court, now convened at the United States Navy yard, Washington, to remove to the Marine barracks, has been received. I accede,

with pleasure, to the wish expressed by the court, and you are hereby authorized to have the future sessions of the court held at the Marine barracks.

I am, very respectfully, sir, your most obedient servant,

SAM'L L. SOUTHARD.

Capt. JAMES BARRON, *President General Court-Martial. Present.*

E.

[Original charges enclosed in the Secretary of the Navy's letter, dated June 22, 1825.]

Charges and specifications exhibited against David Porter, Esq., a captain in the navy of the United States.

CHARGE FIRST.

Disobedience of orders, and conduct unbecoming an officer.

Specification. For that he, the said David Porter, being in command of the naval forces of the United States in the West India seas, Gulf of Mexico, &c., did, on or about the fourteenth day of November, in the year of our Lord one thousand eight hundred and twenty-four, with a part of said naval forces, land on the Island of Porto Rico, in the dominions of his Catholic Majesty, the King of Spain, then and still in amity and at peace with the United States, in a forcible and hostile manner, and in military array, and did, then and there, commit divers acts of hostility against the subjects and property of the said King of Spain, in contravention of the Constitution of the United States, and of the laws of nations, and in violation of the instructions from the Government of the United States, to him, the said David Porter.

CHARGE SECOND.

Insubordinate conduct, and conduct unbecoming an officer.

Specification first. For that he, the said David Porter, did write and transmit to the President of the United States, a letter of an insubordinate and disrespectful character, to-wit, on the seventeenth day of April, in the year of our Lord one thousand eight hundred and twenty-five; and did also write, and transmit to the Secretary of the Navy, at sundry times hereinafter particularly mentioned, various letters of an insubordinate and disrespectful character, viz: on the thirtieth day of January, the sixteenth day of March, the *thirtieth day* of April, and the fourteenth day of June, all in the year of our Lord one thousand eight hundred and twenty-five, thereby violating the respect due from every officer in the navy to the head of the Department, impairing the discipline of the service, and setting a most dangerous and pernicious example.

Specification second. For that he, the said David Porter, after a court of inquiry had been convened and directed to investigate and make report of the facts in relation to the matters embraced in the specification of the first charge, and after such court had terminated its inquiries, and had transmitted its report to the Secretary of the Navy, and before the Executive had published or authorized the publication of the proceedings of said court, did publish, or caused to be published, a pamphlet purporting to contain the proceedings of the said court of inquiry.

Specification third. For that he, the said David Porter, in the publication made, as mentioned in the last preceding specification, did give an incorrect statement of the proceedings of the said court of inquiry.

Specification fourth. For that he, the said David Porter, did, in the publication referred to in the two last preceding specifications, insert various remarks, statements, and insinuations, not warranted by the facts, highly disrespectful to the Secretary of the Navy, and to the said court of inquiry.

Specification fifth. For that he, the said David Porter, did, in the same publication referred to in the said last preceding specification, without any authority or permission for that purpose, make public official communications to the government, and official correspondence with the government; and has, on other occasions, between the 1st of October, 1824, and the 15th June, 1825, without authority or permission therefor, made public orders and instructions from the government, and official correspondence with the government.

F.

NAVY DEPARTMENT, *June* 22, 1825.

SIR: I enclose to you the charges and specifications, upon which you will be tried, before a court-martial, which will be convened on the seventh day of July next, at the Navy yard, Washington, and of which Captain James Barron has been appointed president.

At the time and place mentioned, you will report yourself to the court for trial upon said charges. In the meantime you will be under no restraint in preparing for your defence.

On the receipt of this letter, you will consider yourself under arrest. It is not deemed necessary to call upon you to surrender your sword, nor to assign limits to you.

I am, respectfully, &c.,

SAMUEL L. SOUTHARD.

Captain DAVID PORTER, *United States Navy. Present.*

G.

Mr. President: Before I can be called upon, either to plead or to except to any charges and specifications, it is necessary that it be definitely ascertained what are the charges and specifications which I am *expected* to answer; and, strange as it may appear at this stage of the prosecution, nothing is more uncertain.

On the 22d day of June last, I received, enclosed in a letter from the Secretary of the Navy, ordering my arrest, and notifying me of my trial, a paper purporting to contain the *original* charges and specifications exhibited against me. It is true, the paper was signed by no one, and bore not upon its face any form of authentication whatever; nor did it name or refer to any prosecutor, informer, or judge advocate. Still the official source from which it proceeded, and the strictly official form and nature of the communication that accompanied it, and indentified its character, left me no doubt, and I presume now admit no doubt, of the authenticity of the paper, as an exhibition of the original charges and specifications against me; which, as such, were definitive and conclusive, and altogether unalterable, in form or substance, but upon the proviso, and under the circumstances provided in the 38th article of the rules and regulations for the government of the navy of the United States.

When I was arraigned before this court yesterday, a paper was produced and read by the judge advocate, purporting and professing to be nothing more than a *copy* of the original charges and specifications; meaning, as I presumed, of the same exhibited against me at the time, and in the manner before mentioned. But what was my surprise, on a comparison of the two papers, to find a very material variance in the first specification of the second charge. The "various letters of an insubordinate and disrespectful character," which I am therein charged with having written to the Secretary of the Navy, are no otherwise distinguished or identified, than by a naked reference to the *dates;* neither their tenor nor their substance and effect is set out, and so I have no sort of notice what letters are designated as of that character, but this naked reference to *dates.* Then the *dates* are of the essence of the accusation. I have been cited here to answer, and have come prepared to answer for those designated letters and no others. Let the dates be changed, and the substance of the charge is changed, in so far as I am called upon to answer for *other* "letters of an insubordinate and disrespectful character." Now, sir, the *copy* of the original charges and specifications, produced by the judge advocate, on my arraignment yesterday, specifies and complains, in the first specification of the second charge, of such a letter as dated on the thirteenth day of April, in the year 1825; whereas, no such letter is anywhere specified or referred to in the aforesaid original exhibition of charges and specifications. This variance is manifest, upon a comparison of the copy produced by the judge advocate, with the original, which I now here produce for the inspection of the court, with the original letter that accompanied it.

Universal military usage, and the imperative provisions of the aforesaid 38th article of the rules and regulations for the government of the navy, decide that I can be put to answer nothing beyond the tenor of the charges and specifications originally exhibited against me. But, in this particular instance, I waive the objection, requiring only that the prosecutor do now decide or declare his election, to abide the one or the other specification of the letters complained of, or to adopt both if he pleases. At any rate, let the form and extent of the charges and specifications be now definitely arranged and conclusively settled.

This point being settled, I shall pray the leave of the court to enter my plea of not guilty to all and singular the charges and specifications, under a protest against their sufficiency: and reserving to myself the right, in the progress of the trial, and in due time, of excepting to the said charges and specifications, as designating no offence known to any law enacted for the government of the navy, as vague and indefinite, and altogether insufficient to put me upon my trial, for the matters therein charged, or supposed to be charged. That these points may be submitted in a way to admit of the maturest deliberation, I have concluded, if it be the pleasure of the court, to suffer the trial to proceed, for the present, under the general issue, and to submit my exceptions to the charges and specifications, or such of them as I shall conclude to be exceptionable, at a more convenient day.

Friday, *July* 8, 1825.

H.

General instructions.

Having been appointed to the command of the squadron, fitted out under an act of Congress of the 20th of December last, to cruise in the West India seas and Gulf of Mexico, for the purpose of repressing piracy and affording effectual protection to the citizens and commerce of the United States, and to the command of all of the United States ships and vessels of war in the West Indies, fitted out for the aforesaid objects, and for the suppression of the slave trade, it becomes my duty (in order that a perfect understanding may be had by those under my command, of the extent of the authorities to be exercised by them in case of separation, or in case of being detached on special service) to point out briefly to them the conduct to be pursued under particular circumstances, and in doing so, shall confine myself to existing laws and the instructions of the honorable Secretary of the Navy, and it is hoped, that in no case those orders will be exceeded, without my sanction first being obtained.

First, then, with regard to piracy. On this subject there have been three several acts: that of March 3, 1819; of May 15, 1820, and that of the 20th of December last, authorizing the additional force of schooners, &c., &c.

The second section of the act of March 3, 1819, authorizes to "subdue, seize, take, and send into any port of the United States, any armed vessel or boat, or any vessel or boat, the crew whereof shall be armed, and which shall have *attempted or committed* any piratical aggression, search, restraint, depredation, or seizure upon any vessel of the United States, or of the citizens thereof, or upon any other vessels.

From the generality of this latter description of vessels, it would seem to embrace those of every nation or country upon which any piratical aggressions may have been committed. Admitting the act

might be extended thus far, it does not appear to be the general object of the law; and it was thought by the President most advisable at one time, not to give it a like indiscriminate practical construction as to all vessels.

The great object, as pointed out in the first section of the act, was to protect the merchant vessels of the United States from piratical aggressions. This will, therefore, be considered a particular and special duty; if, however, there should be discovered depredations on other vessels, committed under such gross and aggravated circumstances as to leave little doubt of their piratical character, it will be a duty then to capture and bring in the aggressors. It is thought most advisable thus to distinguish in these instructions, because, among other considerations it will be seen that, under the second section of the act, authority is only given to *retake vessels of the United States or its citizens*, which may have been unlawfully captured on the high seas; no positive authority is given by it to retake the vessels of any foreign nation or country.

It will also be perceived, that under the second section of the act, authority is only given to "subdue, seize, and take" such vessels or boats, &c., &c., as shall have attempted or committed some piratical aggression. Whatever well grounded suspicions may be entertained that a vessel may have been fitted out, and is intended to be employed in such depredations, the act does not authorize her molestation, unless there is satisfactory evidence that she has either attempted, or actually committed, some piratical aggression, on some merchant vessel of the United States or her crew; or upon some other vessel under the special circumstances above mentioned.

This, by this act, must be considered an important and leading regulation, as it will be a strong and almost controlling circumstance, (considering we are at peace with all the world,) in making up a judgment whether it would be safe and justifiable to treat them as pirates.

Whenever, therefore, boats or vessels shall be found, the crews whereof have committed any actual violence, outrage, or depredation, upon any vessels of the United States, or citizens thereof, or any other vessel as above mentioned, it is to be sufficient to authorize their being "subdued, seized, and taken," and unless it should satisfactorily appear that they were acting under some lawful authority, and not piratically, they are to be sent in for adjudication.

The act of May 15th, 1820, continues in force the act of March 3d, 1819; and makes further provision for punishing the crime of piracy. The third section of this act, declared as pirates "any persons who shall, upon the high seas, or in any open roadstead, or in any haven, basin, or bay, or in any river where the sea ebbs and flows, commit the crime of robbery in, or upon any ship or vessel, or upon any of the ship's company of any ship or vessel, or the lading thereof: such person shall be adjudged to be a pirate," and the penalty death, on conviction before the circuit court of the United States.

The fourth and fifth sections make it piracy for any citizen of the United States to be engaged in the slave trade, and the penalty, on conviction before the Circuit Court of the United States, death. This act is more extended than the former, in its definition of the act of piracy, but in no part (except in continuing in force the former law) authorizes capture by the armed vessels of the United States. The high and delicate power therefore vested in the President by the act of March 3d, which authorizes and requests him to employ so many of the public armed vessels, as in his judgment, the service may require, with suitable instructions to the commanders thereof, in protecting the merchant vessels of the United States, and their crews, from piratical aggressions and depredations, has been resorted to and exercised, for the purpose of more clearly defining the duties to be performed.

The trust reposed in me, is one of a peculiarly delicate character, for while it is made my duty to protect our commerce against all unlawful interruptions, and to guard the rights both of person and property of the citizens of the United States, whenever it shall become necessary, it is enjoined on me not to encroach on the rights of others: and whatever discussion or collision I may have with any foreign power, in relation to such rights, I am bound to conduct it with as much moderation and forbearance as is consistent with the honor of my country, and the just claims of its citizens.

The system of piracy, from whatever cause it may have originated, is of considerable extent, and from the sparse population of the Spanish islands, which cannot enforce the authority of the government, establishments have been made by parties of those banditti in the uninhabited parts, to which they carry their plunder, and retreat in time of danger. It cannot be presumed, that the government of any island will afford any protection or countenance to such robbers. It may, on the contrary, confidently be believed that all governments, and particularly those most exposed, will afford all means in their power, for their suppression

Pirates are considered by the laws of nations, the enemies of the human race. It is the duty of all nations to put them down, and none who respect their own character, or interest, will refuse to do it, much less afford them an asylum and protection.

The nation that makes the greatest exertions to suppress such banditti, has the greatest merit. In making such exertions, it has a right to the aid of every other power to the extent of its means, and to the enjoyment under its sanction, of all its rights, in the pursuit of the object.

In the case of belligerents, when the army of one party enters the territory of a neutral power, the army of the other has a right to follow it there. In the case of pirates, the right of the armed force of one power to follow them into the territory of another, is more complete. In regard to pirates, there is no neutral party; they being the enemies of the human race, all nations are parties against them, and may be considered as allies. The object and intention of our government is to respect the feelings as well as the rights of others, both in substance and in form, in all the measures which may be adopted, to accomplish the end in view. Should, therefore, the crews of any vessels seen engaged in any acts of piracy, or which there is just cause to suspect of being of that character, retreat into the ports, harbors, or unsettled parts of the islands, they may be pursued into such ports, harbors, and unsettled parts of the country, for the purpose of aiding the local authorities or people, as the case may be, to seize and bring the offenders to justice; previous notice being given that this is the sole object. When a government exists and is felt, the local authorities must, in all instances, be respected, and every act must be in aid of, and in co-operation with them; it being the exclusive purpose of the Government of the United States to suppress piracy, an object in which all nations are equally interested, and in the accomplishment of which, the Spanish authorities and people will, it is presumed, cordially co-operate with us.

If, in the pursuit of pirates found at sea, they shall retreat into the unsettled parts of the islands or foreign territory, liberty is given to pursue them so long only as there is reasonable prospect of being able to apprehend them; and in no case are we at liberty to pursue and apprehend any one after having

been forbidden so to do by competent authority of the local government; and if any such pirate should be apprehended on land, they are to be delivered over to the proper authorities to be dealt with according to law, and all the evidence that can be furnished is to be given in proof of the offence alleged against them. Should the local authorities refuse to receive and prosecute such persons so apprehended, on reasonable evidence being furnished them of their guilt, they are then to be kept safely and securely until information on the subject can be communicated to me.

Great complaints have been made to the government of the interruption and injury to our commerce by privateers fitted out from Spanish ports. Great discretion is required in giving to our vessels the necessary protection against their aggressors, without infringing on the rights of the belligerents. We know not how far they have been authorized and instructed to intercept our trade with Mexico and the Colombian republic; but according to the well-settled rule of the laws of nations, the United States will not consider any portion of the coast upon the Gulf of Mexico as legally blockaded, except where a naval force is stationed sufficient to carry into effect the blockading order or decree: and our government does not recognize the right or authority of Spain to interdict or interrupt our commerce with any portion of the coast included within the Colombian republic and Mexican government, not actually blockaded by a competent force.

Hence it is but reasonable to infer, that to arrest our vessels employed in lawful trade, from the fangs of the numerous privateers which have lately been fitted out from Porto Rico, and to "subdue, seize, take, and send into any port" those depredators on our commerce, would be right and proper; but in doing this, great discretion and prudence must be exercised, and the fact must be clearly ascertained that they come within the provisions of the second section of the act of March 3d, 1819.

By recent decisions of our courts, and officers competent to judge, and by the wording of the fifth section of the act of March 3d, 1819, it would appear that piracy may be committed by vessels legally authorized to cruise, and engaged in mercantile pursuits; and that the persons alone committing the act are responsible for the same. I allude particularly to the Panchita, sent in by the Grampus, some of the crew of which were imprisoned, to be tried for piracy, and the vessel liberated, by the decision of the judge: and to the Nympha Catalina, sent in by the Spark, for an act of piracy on a former voyage. The vessel and cargo, immediately on her arrival in the United States, were restored to the owners, part of her crew liberated, and those who committed the act only, confined for trial. I might cite other cases to justify the opinion I entertain, as to the course proper to be pursued, to effect the object of our expedition with the least possible injury to those not implicated in the crime, but these will suffice.

In the first case cited, the decision of the judge justified the conduct of the capturing officer, and in the other case, the law would seem equally to authorize her being "subdued, seized, taken," &c.

The language of the fifth section of the law, as above cited, is as follows: "And be it further enacted, that if any *person* whatsoever shall, on the high seas, commit the crime of piracy, as defined by the laws of nations, and such offenders shall afterwards be found and be brought into the United States, any such offender or offenders shall, on conviction thereof before the circuit court of the United States for the district into which he or they may be brought, or in which he or they shall be found, be punished with death."

But it does not appear to me to be necessary, in order to the attainment of justice, that the innocent should suffer for the guilty. If the ship is not answerable for the acts of the crew, there can be no necessity or propriety in sending in the ship for adjudication, because, by so doing, injury is brought on the owners, the innocent party; and to us they look for indemnity, who have no other appeal than to the liberality of our country.

But piracy must be punished, and we are bound by the second section of the act of March 3d, 1819, to "subdue, seize, and take" all vessels which commit it; and after we have done so, and it is found that the vessel committing the act is a legally authorized cruiser, the most that it would seem proper to do on the occasion, would be to take from on board her the persons committing the act, and to send them to the United States for trial.

For the same principle that would justify their capture on land will apply with equal propriety to their seizure on board ships on the ocean, and perhaps if any competent authority should be near at hand, it would be equally proper to deliver them up to it with proofs of their guilt, on a pledge that they shall be brought to trial; but on a refusal to give such pledge, they must be reported to me with as little delay as possible.

The next subject to which attention is to be directed, is the suppression of the slave trade; and it is expected that the utmost vigilance shall be exercised, in order that this inhuman practice may be put down. By the act of the 20th of April, 1818, it is made unlawful to import or bring, in any manner whatsoever, into the United States, or the Territory thereof, from any foreign place, any person of color, with intent to hold, sell, or dispose of such person as a slave, or to be held to service.

By this act it is also made unlawful for any citizen of the United States, or other person, to build, equip, load, fit, or otherwise prepare, any ship or vessel, in any port or place within the jurisdiction of the United States, or to cause any ship or vessel to sail from any port or place whatsoever, within the jurisdiction of the United States, for the purpose of procuring and transporting any such slaves to any port or place whatever: and any ship or vessel employed in such importation of slaves, or so built or fitted out, or prepared, is liable to be seized and forfeited.

And by act the 3d of Merch, 1819, the President is authorized to employ any of the armed vessels of the United States to cruise in such places as he may think proper, where he may judge attempts may be made to carry on the slave trade by citizens of the United States, or residents thereof, in contravention of the acts of Congress prohibiting the same, and to instruct such armed vessels to seize, take, and bring into any port of the United States, to be proceeded against according to law, all ships or vessels of the United States, wheresoever found, or which may be intended for the purpose of taking on board, or of transporting, or may have transported any person of color, in violation of any provisions of the act of the 20th of April, 1818, above referred to, or in violation of any other act or acts prohibiting the traffic in slaves.

From the generality of the provisions of the slave acts, authority is given to take and bring into port all vessels of the United States which may have been in any manner employed, or intended to be employed, in the slave trade, or any other vessel which may be employed in the importation of slaves into the United States.

It will be observed that the first provision applies only to vessels of the United States, the second

applied to vessels of every nation. The rest of the laws go to explain the manner of disposing of the slaves and persons taken in the trade; prescribe the punishment to the offenders, and the bounty to the captors.

It will be sufficient, therefore, that the capture should be made under the foregoing circumstances, and that reference should be had to me for instructions as to the disposal of the vessels, slaves and offenders, and to the laws for a final decision.

There is one thing that must be particularly observed: it is not to be considered in these general instructions for the suppression of the slave trade, that authority is given at any place out of the waters of the United States, to search, capture, or in any manner whatever to interrupt vessels under any other than the American flag.

As regards the recapture of vessels which may be found in the hands of the pirates, and not belonging to the United States: although there are no laws which authorize our rescuing them from the fangs of those monsters; and, although the President has given no positive instructions on this head; still, as humanity obviously calls on us to exercise the power, having the means in our hands; as it is a duty implied by instructions subsequently given me by the measures adopted for the suppression of piracy, and as it is enjoined on me by the government to harmonize and co-operate with the forces of any other power engaged in the same pursuit with ourselves, thereby showing a common interest, I will take on myself to supply the omission, (as it certainly is one,) by authorizing the act whenever it may become necessary.

All vessels, therefore, of any nation whatever, found in the possession of pirates, may be taken from them as though they belonged to the United States, and as though their recapture was provided for by the laws for the suppression of piracy, and by the most positive instructions of the government.

These instructions, although swelled to an unusual length, are rendered as concise as the subject would admit of, to enable me to inform you fully as to the views of the government. We have a very delicate duty to perform—and with full confidence in the discretion of those I have the honor to command, I hope it may be fulfilled to the satisfaction of our country, to our own honor, and to the honor and general interests of the navy.

In time of actual warfare between nations, there can be no difficulty in discriminating between right and wrong; but the service on which we are engaged, requires the exercise of our soundest judgment, and in proportion to the difficulty of discriminating will be the merit of doing what is proper.

The eyes of the world are on us, and while we must not fail in energy, we must not want in circumspection.

D. PORTER.

U. S. Ship John Adams, *Norfolk, January* 28, 1824.

I.

The counsel of Commodore Porter suggests that the second charge, and what purport to be the five specifications of the facts and circumstances intended to be proved in support of such charge, are altogether insufficient to put the accused to answer, or to give this court jurisdiction to try any matter therein alleged.

The following objections to the same are deemed unanswerable and fatal:

1. The principal charge itself describes no offence, within the terms of any of the naval articles of war, by which all the military crimes and punishments, affecting officers of the navy, are enumerated and defined, and is altogether vague and uncertain as to the nature and degree of the offence intended to be charged.

2. The specifications are not conceived in terms, any more appropriate or precise, to constitute any offence known to the naval code, established by such articles.

3. Even if any such offence could be inferred, either substantially, from the charge itself, or from the charge and specifications, collectively, still the specifications are altogether vague, indefinite, and uncertain, as to the facts, circumstances and criminal intents, to be adduced and proved in support of the principal charge.

4. The specifications do not follow and support, but are a departure from the *gravamen* of the principal charge: and (if conceived in terms tending to any sensible and legal conclusion) constitute separate and distinct charges, not necessarily comprehended in the terms of the principal charge.

If the learned judge advocate should conceive that this charge, and the several specifications of the same, are susceptible of being justified and supported, the counsel of Commodore Porter would very respectfully ask for an opportunity to corroborate his objections by authority, and to reply to any reasons that may be advanced, on the part of the prosecution, in answer to such objections.

July 13, 1825.

L.

Navy Department, *July* 19, 1825.

Sir: In compliance with your wish, I have requested, of the Attorney General of the United States, an answer to the questions proposed in your letter of the 18th instant.

I now enclose to you a copy of my letter to him, and of his answer.

I am, very respectfully, sir, your obedient servant,

SAML. L. SOUTHARD.

Richard S. Coxe, Esq., *Judge Advocate, General Court-Martial.*

M.

NAVY DEPARTMENT, *July* 18 1825.

SIR: I have this evening received from the court-martial, now sitting at the Marine barracks, Washington, a letter of which the enclosed is a copy. It proposes certain questions, on which your opinion is desired. I have, therefore, to beg the favor of you, to furnish me, at as early an hour as your convenience will permit, an answer to the questions proposed, that I may transmit it to the court.

Should any papers or documents be required, in preparing an answer, I will endeavor to procure, and furnish them, without delay.

I have the honor to be, with very great respect, sir, your obedient servant,

(Signed) SAML. L. SOUTHARD.

Honorable WM. WIRT, *Attorney General United States.*

N.

OFFICE OF THE ATTORNEY GENERAL OF THE UNITED STATES, *July* 19, 1825.

SIR: I am just honored with your letter of last night, enclosing one from Mr. Coxe, the judge advocate of the court-martial now sitting on the trial of Commodore Porter, expressive of the wish of that tribunal, that you would take the opinion of the Attorney General on two questions of law, which have been presented for their decision in the course of the discharge of their judicial duties. I beg leave to observe, that the Attorney General has no authority to give an official opinion, except in the cases especially provided by law, "whose duty it shall be," says the law, "to give his *advice* and opinion upon questions of law, when required by the President of the United States, or when requested by the heads of any of the Departments, touching any matters that may concern their "Departments." The construction of this provision has been, that whensoever the President, or any head of a Department, has an official duty to perform, he has a right to call for the opinion of the Attorney General, on any question of law, for the purpose of assisting him in the discharge of that duty. This has been the construction on which I have acted since I have been in office, and with the entire approbation of the President and heads of Departments. Indeed, on any other construction, the duties of the Attorney General would be wholly impracticable.

Now, I apprehend that the court-martial, in this case, having been organized, and the charges laid before them, the head of the Navy Department has no duties to perform in giving their judicial decisions. And since it is only in relation to his own duties that the Secretary can call for the opinion of the Attorney General, or that the Attorney General has any authority to give an opinion, it follows that I must, on this, as I have been constrained to do on several former occasions, beg to be excused from doing what I think unauthorized, and therefore wrong.

I have the honor to remain, sir, with very great respect, &c.,

(Signed) WM. WIRT.

To the Hon. SAMUEL L. SOUTHARD, *Navy Department.*

O.

MR. PRESIDENT: Since the course which has been taken with the objections of my counsel to the terms of the second charge and its specifications is likely to produce delay, and, instead of simplifying, as was intended, rather to perplex and embarrass the procedure of the court, I have determined to withdraw these objections, in so far as they present any *preliminary* question to be discussed and decided upon the face of the charge and specifications themselves, independent of any examination of the evidence to be adduced in support of them.

I have decided on this course, with the less hesitation, in consideration of being distinctly advised, by my counsel, that all these objections are equally available, under the general issue of "not guilty," as in any other form; unless that which turns upon the defect of sufficient minuteness and precision in the specifications of time, place, manner and circumstances of the acts imputed to me, may be an exception. It is not that the latter objection, or the rule which it supposes to have been violated, is by any means to be regarded as frivolous or captious, or as unessential to the great principles of substantial justice, by which the salutary forms of procedure in such cases have been prescribed. On the contrary, I am made experimentally sensible, in this very instance, of the value of the rule, and of the practical mischief and injustice resulting from the palpable breach of it, apparent on the face of my pending accusation; for I solemnly declare, that after the minutest recollection, and the most mature reflection, upon all the passages of my professional life, which, by any possibility, may be the subject of this complaint; and after all that has been said in the recent discussion, I remain at this moment, utterly perplexed and puzzled, even to conjecture what are the particular facts and circumstances of my imputed guilt, that are pointed at, and intended to be adduced against me, under several of the most important of these five specifications: I am unable to do more than to form a probable, though vague conjecture.

Yet, so long as I am assured that I am not to be entrapped, by taking issue upon the charge, to be held to a conclusive admission of its validity, or of the legal sufficiency of the facts to be given in evidence under it, as describing or constituting any offence for which I am amenable to martial law, I must be content to forego, (if such be the necessary consequence of pleading to issue) every advantage from the defect of reasonable certainty and minuteness, in the specifications; and to encounter every disadvantage of ignorance, from the want of fair and regular notice of the circumstances wherein my offence is supposed to consist.

Since it appears that I am not entitled to reply to any of these topics in the discussion of a preliminary

point, and since it is most unexpectedly intimated that doubts on the subject exist with the court; and as I feel that justice to myself requires that I should have any opportunity of controverting whatever may have been advanced to affect either my honor or the mere law of my case; I have taken the only course left open to me, which is to waive the objections as matter of separate and preliminary discussion; and to reserve them, or such of them as may be available for my general defence.

I do therefore, Mr. President, offer myself ready to go on with the trial of this second charge, and its specifications, upon the general issue, before tendered under protest; reserving for my general defence, all such exceptions of law or fact, as shall be admissible and available in that defence.

I beg leave further to suggest, that it is essential to my defence, that I should be more precisely and minutely informed of the propositions of fact or law, advanced against me, than I can be from a cursory reading of the long and elaborate argument of the judge advocate; many parts of which, were but distinctly heard and comprehended, in the course of that reading. I therefore request to be favored with a copy of that document, as a part of the proceedings of the court, or such access to it as may be equivalent. I do not anticipate that there can be objection to this request, since the reasonableness of it is apparent. Although the nature of my objections was distinctly intimated on the second day of this court's session; and were specifically drawn out and stated in writing as early as Wednesday, the 13th instant; and though the reasons and authorities at large were distinctly read in open court, on Friday, the 15th; yet, it seems, that because from some accident, which I extremely regret, as it must have infinitely enhanced the labors of the judge advocate, the fair transcript of the argument in support of the objections was not put into his hands till ten or eleven o'clock on Sunday, the 17th, he was compelled to defer the preparation of his argument till he was in full possession of the written transcript of that which he was to answer. If a gentleman, possessing the acuteness and quickness of perception, the learning and ingenuity thus strongly manifested in the composition of an argument, so full of learned research, and various illustration, and so elaborate, and so diffuse, which occupied no longer time than from ten or eleven on Sunday morning, till it was time to meet the court next morning; if a gentleman so gifted, labored under so much disadvantage from the absence of the paper he was to answer, you may judge, Mr. President, how necessary it is for me to be possessed *in extenso*, of the argument by which many important points of my defence are so strongly affected.

A.

NAVY DEPARTMENT, *August* 11, 1825.

SIR: In pursuance of the application of the general court-martial, of which you are president, and for the better accommodation of all concerned, permission is hereby granted to the court to adjourn for the remainder of its sessions, to that central, and commodious building, on First street, and the corner of Maryland avenue, formerly occupied by the Congress of the United States.

I am, very respectfully, sir, your most obedient servant, SAM'L L. SOUTHARD.

Capt. JAMES BARRON, *President General Court-Martial.*

B.

NAVY DEPARTMENT, *August* 12, 1825.

SIR: I have received and submitted to the Executive, your letter of yesterday's date, in which you say: "I transmit a paper handed me by Commodore Porter, since the adjournment of the court this day, purporting, as I understood from him, to be a continuation of his defence. He stated, also, that the residue would be transmitted as soon as practicable." You also apprise me that this paper has not received the sanction of the court.

The Executive is solicitous to possess all the lights, which can be useful, in forming a decision upon the case of Commodore Porter, and especially desires to be aided by everything legally urged in his defence. But it would be obviously improper for the Executive to receive and consider any paper not transmitted to him by the court itself, as forming a part of its proceedings.

I am, therefore, directed to return the paper to you, that you may submit it to the court, with the time and manner in which it was handed to you, that the court may pass its own judgment upon it, by receiving and transmitting it, as the defence which the accused did make, if the court think proper so to do.

This has been adopted as the proper mode of obtaining a decision on the paper as a part of the record, and that Captain Porter may have all the benefit of it in his defence that is possible.

The length of the document, and the time which might necessarily be consumed in reducing it to writing, present motives for this indulgence, with the most perfect respect for the court, and without questioning the propriety of the decisions which it has heretofore made in relation to the defence.

I return to you the record and papers, that you may place them again in possession of the court.

I am, respectfully, &c.,

SAM'L L. SOUTHARD.

RICHARD S. COXE, Esq., *Judge Advocate of the General Court-Martial.*

(No. 1)

One thousand dollars reward.

The store of the subscribers was forcibly entered on the night of the 24th inst., and the following articles taken therefrom:

A <> 18.—1 case 4-4 bird's-eye handkerchiefs, containing 25 pieces, each piece 20 handkerchiefs of different patterns.

W 63 and 64.—2 cases damask figured handkerchiefs, contain 25 pieces each, are 50 pieces.

P 181–187.—4 cases India sewing silks, each case 50 lbs., say 13 lbs. of black and 37 lbs. assorted colors, put up in Spanish style—200 lbs.

S G P.—2 trunks Madras handkerchiefs, 60 pieces each—120 pieces.

S G P.—2 half trunks Madras handkerchiefs, 30 pieces each—60 pieces.

H A S ◇ 21.—1 case 4-4 cross-barred handkerchiefs, 20 handkerchiefs in each piece, containing 25 pieces.

A ◇ 15.—1 case damask figured handkerchiefs, 25 pieces.

K.— 1 case bird's-eye handkerchiefs, 25 pieces.

J L ◇ 11.—1 case 7-4 crape shawls, containing 37 pieces.

2 half boxes cigars, "Cabanas."

The above reward will be given for the apprehension and conviction of the thief or thieves, and one-fourth part of the goods recovered.

CABOT, BAILEY & CO.

St. Thomas, *October* 25, 1824.

(No. 2.)

Sir: I this morning received a letter from Mr. J. J. Atkinson, of Ponce, Porto Rico, who states, that while on board the Mary Ann, of Baltimore, J. Dukehart, master, from this place, bound for Ponce, the crew of said brig mutinied, and in the fray the papers of the vessel were lost overboard. He also mentioned, that the crew of the brig Cadmus, of Kennebunk, had also mutinied in the port of Ponce. The mutineers are confined in the jail of Ponce, but the authorities of the island have informed the captains that they would be kept till the vessels were ready for sea only.

It will be necessary for either you or Captain Sloat to proceed, if possible, to Ponce, and give the Mary Ann a document with which she can proceed to Baltimore, as the shippers refused to ship till she is regularly documented.

I remain, with great respect, your obedient servant, WM. FURNISS.

St. Thomas, *February* 1, 1825.

To Charles T. Platt, Esq., *Commandant U. S. Schooner Beagle, St. Thomas.*

(No. 3.)

U. S. Schooner Beagle, *Harbor St. Thomas, February* 10, 1825.

Sir: Having this day returned from a visit to Ponce, a village in the Island of Porto Rico, somewhat similar, and not far distant from Foxardo, under circumstances so widely different from those of my former visit to that island, I do therefore beg leave to lay before you the circumstances that induced me to visit it, and more particulary the reception that I met with, although no part of my uniform was different from that which I wore at Foxardo, nor had I in any respect improved in my address. I mention this with feelings of pure American pride, as prejudices much to my injury, particularly with such as I am not personally acquainted with, may have grown out of the Spanish account of my piratical appearance at Foxardo.

On the 2d day of this month, I received from Mr. Furniss, commercial agent at St. Thomas, a letter, stating that the crews of two American merchant vessels had mutinied, and that those vessels were then at anchor in the harbor of Ponce, and in want of the assistance of some one of the United States vessels of war; and furthermore, that the master of a vessel then at St. Thomas, was desirous of obtaining convoy to the same place. Under such circumstances, I could not hesitate for a moment in fully complying with the request. Consequently, as soon as was practicable, I got under way, and two days after anchored in the harbor of Ponce, at which place as at Foxardo I visited the shore in person. No indignation nor indignities were offered to my person, or the flag the Beagle bore; but on landing was invited to a public house, refreshments were offered me, and in a very short time I arranged all things relating to the merchantmen, to the entire satisfaction of their respective masters. As soon as was practicable, the captain of the fort, accompanied with numbers of the most respectable citizens, made their appearance, when to my no small gratification, they saluted me in the most cordial and friendly manner. He, the captain, did not ask or demand my commission. He beheld nothing in my features that indicated that cowardly and hell-like visage of a *pirate*, nor did he discover anything other than that deportment which I have honestly inherited. In evidence of which I need only to observe that I was waited upon and requested to exchange salutes with the fort, which was complied with. A carriage was prepared, as well as one of the most genteel dwellings, for my sole use during my stay. It was not my intention to have remained longer than was absolutely necessary to accomplish the object of my visit, but from the urgent and numberless invitations, pressing me to remain and accept of a dinner already ordered for myself and officers, (a refusal of which would have carried with it a conviction of the truth of my uncouth manners, which had been so elegantly polished by the Foxardians,) I was induced to accept the invitation, and on the day following partook of a splendid dinner, (the alcalde at the head of the table,) with not less than thirty-five of the first and most respectable citizens and planters in that vicinity. After the cloth was removed many complimentary toasts were given, which in turn were reciprocated by the officers of the Beagle and myself. At nine in the evening I withdrew and returned on board the Beagle, after having spent five hours, during which time the most cordial degree of friendship prevailed throughout the company. The next morning I left the port, having previously established private signals with the captain of the fort, that our respective forces might co-operate in the suppression of piracy.

I have the honor to be, respectfully, your obedient servant,

CHARLES T. PLATT, *Lt. Com. Beagle.*

Com. David Porter.

(No. 4.)

NAVY DEPARTMENT, *February* 1, 1826.

Commodore David Porter, commanding U. S. naval forces in the West Indies. Present:

SIR: You have been appointed to the command of a squadron fitted out under an act of Congress of the 20th of December last, to cruise in the West India seas and Gulf of Mexico, for the purpose of suppressing piracy, and affording protection to the citizens and commerce of the United States. Your attention will also be extended to the suppression of the slave trade, according to the provisions of the several acts of Congress on that subject; copies of which, and of the instructions heretofore given to our naval commanders thereon, are herewith sent to you. While it is your duty to protect our commerce against all unlawful interruption, and to guard the rights, both of person and property, of the citizens of the United States, wherever it shall become necessary, you will observe the utmost caution not to encroach upon the rights of others; and should you at any time be brought into discussion or collision with any foreign power in relation to such rights, it will be expedient and proper that the same should be conducted with as much moderation and forbearance as is consistent with the honor of your country and the just claims of its citizens.

Should you, in your cruise, fall in with any foreign naval force, engaged in the suppression of piracy, it is desirable that harmony and a good understanding should be cultivated between you; and you will do everything on your part, that accords with the honor of the American flag, to promote this object.

So soon as the vessels at Norfolk shall be ready for sea you will proceed to the West Indies, by such route as you shall judge best for the purpose of effecting the object of your cruise. You will establish at Thompson's Island, usually called Key West, a depot, and land the ordnance and marines, to protect the stores and provisions; if, however, you shall find any important objection to this place, and a more suitable and convenient one can be found, you are at liberty to select it as a depot. You will announce your arrival and object to the authorities, civil and military, of the Island of Cuba, and endeavor to obtain, as far as shall be practicable, their co-operation; or at least their favorable and friendly support, giving them the most unequivocal assurance that your sole object is the destruction of pirates.

The system of piracy which has grown up in the West Indies has obviously arisen from the war between Spain and the new governments, her late provinces in this hemisphere, and from the limited force in the islands, and their sparse population, many portions of each being entirely uninhabited and desolate, to which the active authority of the government does not extend. It is understood that establishments have been made by parties of these banditti in those uninhabited parts, to which they carry their plunder, and retreat in time of danger. It cannot be presumed that the government of any island will afford any protection or countenance to such robbers. It may, on the contrary, confidently be believed that all governments, and particularly those most exposed, will afford all means in their power for their suppression. Pirates are considered by the law of nations, the enemies of the human race. It is the duty of all nations to put them down; and none who respect their own character and interest will refuse to do it, much less afford them an asylum and protection. The nation that makes the greatest exertions to suppress such banditti has the greatest merit. In making such exertions, it has a right to the aid of every other power, to the extent of its means, and to the enjoyment, under its sanction, of all its rights in the pursuit of the object. In the case of belligerents, where the army of one party enters the territory of a neutral power, the army of the other has a right to follow it there. In the case of pirates, the right of the armed force of one power, to follow them into the territory of another, is more complete. In regard to pirates, there is no neutral party; they being the enemies of the human race, all nations are parties against them, and may be considered as allies. The object and intention of our government is to respect the feelings as well as the rights of others, both in substance and in form, in all the measures which may be adopted to accomplish the end in view. Should, therefore, the crews of any vessels which you have seen engaged in acts of piracy, or which you have just cause to suspect of being of that character, retreat into the ports, harbors, or settled parts of the islands, you may enter, in pursuit of them, such ports, harbors or settled parts of the country, for the purpose of aiding the local authorities, or people, as the case may be, to seize and bring the offenders to justice, previously giving notice that this is your sole object. Where a government exists, and is felt, you will in all instances respect the local authorities, and only act in aid of and co-operation with them, it being the exclusive purpose of the Government of the United States to suppress piracy—an object in which all nations are equally interested; and in the accomplishment of which, the Spanish authorities and people will, it is presumed, cordially co-operate with you. If, in the pursuit of pirates found at sea, they shall retreat into the unsettled parts of the islands, or foreign territory, you are at liberty to pursue them, so long only as there is reasonable prospect of being able to apprehend them; and in no case are you at liberty to pursue and apprehend any one, after having been forbidden so to do by competent authority of the local government; and should you, on such pursuit, apprehend any pirates upon land, you will deliver them over to the proper authority, to be dealt with according to law, and you will furnish such evidence as shall be in your power, to prove the offence alleged against them. Should the local authorities refuse to receive and prosecute such persons so apprehended, on your furnishing them with reasonable evidence of their guilt, you will then keep them safely and securely on board some of the vessels under your command, and report, without delay, to this Department, the particular circumstances of such cases.

Great complaints are made of the interruption and injury to our commerce, by privateers fitted out from Spanish ports. You will endeavor to obtain from the Spanish authorities a list of the vessels so commissioned, and ascertain how far they have been instructed to intercept our trade with Mexico and the Colombian republic; impressing upon them that, according to the well settled rule of the law of nations, the United States will not consider any portion of coast upon the Gulf of Mexico as legally blockaded, except where a naval force is stationed sufficient to carry into effect the blockading order or decree; and this government does not recognize the right or authority of Spain to interdict or interrupt our commerce with any portion of the coast included within the the Colombian republic or Mexican government, not actually blockaded by a competent force.

All the United States ships and vessels of war in the West Indies, of which a list is herewith enclosed, are placed under your command; and you will distribute them to such stations as shall appear to you best calculated to afford complete protection to our commerce, in which you will embrace the object of protecting the convoy of specie from Vera Cruz and the Mexican coast generally, to the United

States; keep one vessel, at least, upon this service, to be at or near Vera Cruz during the healthy season of the year, and to be relieved as occasion shall require, both for convoy of trade, and to bring specie to the United States—confining the transportation to the United States only.

You will be particularly watchful to preserve the health of the officers and crews under your command, and to guard in every possible manner against the unhealthiness of the climate; not permitting any intercourse with the shore where the yellow fever prevails, except in cases of absolute necessity.

Wishing you good health and a successful cruise,

I am, very respectfully, sir, your obedient servant,

(Signed) SMITH THOMPSON.

I certify the foregoing to be a true copy from the original on file in this Department.

CHAS. HAY, *Chief Clerk.*

NAVY DEPARTMENT, *July* 6, 1825.

(No. 5.)

Captain Porter has the honor respectfully to state to the President of the United States, that, agreeably to the suggestion of the President, he, on the 16th of last month, addressed a letter to the Secretary of the Navy, requesting an investigation of his conduct, in relation to the affair of Foxardo and the charges of Mr. Randal, as early as was consistent with the public interests; and on the same day he received what purported to be the Secretary's reply, informing him the Executive had determined that a court should be formed, to examine into the occurrences, as soon as circumstances will permit.

Captain P. consequently waited with patience until the 13th of this month, when, not being able to learn that any steps were taken towards the accomplishment of the Executive will, he again addressed the Secretary in the most urgent but respectful manner, to cause his conduct to be investigated, and allow him, if innocent, to relieve himself from the truly unpleasant situation in which the order for his recall has placed him.

No notice has yet been taken of this request, and Captain P., despairing of justice from any other quarter, begs and entreats that the President of the United States will cause it to be rendered to him.

WASHINGTON, *April* 17, 1825.

I certify the foregoing to be a true copy from the original on file in this Department.

CHAS. HAY, *Chief Clerk.*

NAVY DEPARTMENT, *July* 6, 1825.

(No. 5.)

U. S. SHIP JOHN ADAMS, *Passage Island, November* 15, 1824.

SIR: I have the honor to inform you that on my arrival at St. Thomas, I was informed that Lieut. Commandant Platt, of the United States schooner Beagle, who had visited Foxardo, a town on the east coast of Porto Rico, about two miles from the sea, for the purpose of making inquiries respecting a quantity of dry goods, supposed to have been deposited there by pirates, was, after being recognized as an American officer, by the proper authorities there, imprisoned and shamefully treated.

Indignant at the outrages which have so repeatedly been heaped upon us by the authorities of Porto Rico, I proceeded to this place, where I left the ship, and taking with me the schooners Grampus and Beagle, and the boats of the John Adams, with Captain Dallas and part of his officers, seamen and marines, proceeded to the port of Foxardo, where, finding preparations were making to fire on us from the battery on shore, I sent a party of seamen and marines to spike the guns, which was done in a few minutes, as the Spaniards fled on the landing of the party. I then landed with two hundred men and marched to the town, spiking on the way the guns of a small battery, placed for the defence of a pass on the road, and reached the town in about thirty minutes after landing. I found them prepared for defence, as they received information from St. Thomas of my intentions of visiting the place. I halted about pistol shot from their forces, drawn up on the outskirts of the town, and sent in a flag requiring the alcalde or governor, with the captain of the port, the principal offenders, to come to me to make atonement for the outrage, giving them one hour to deliberate. They appeared accordingly, and after begging pardon (in the presence of all the officers) of the officer who had been insulted, and expressing great penitence, I permitted them to return to the town, on their promising to respect all American officers who may visit them hereafter. We then returned to the vessels and left the harbor after being at anchor three hours.

As we were getting under way, a number of persons appeared on the beach bearing a white flag, and having with them some bullocks and a number of horses, apparently laden—no doubt a present from the authorities of the place, which they informed me they should send me.

There is no doubt that our persons and our flag will be more respected hereafter than they have been by the authorities of Porto Rico.

Every officer and man on the occasion conducted themselves in a manner to meet my entire approbation.

I have the honor to be, very respectfully, your obedient servant,

D. PORTER.

The Hon. SAMUEL L. SOUTHARD, *Secretary of the Navy, Washington.*

I certify the foregoing to be a true copy from the original on file in this Department.

CHAS. HAY.

NAVY DEPARTMENT, *July* 6, 1825.

This paper admitted to have been received by the Department on December 4, 1824.

(No. 6.)

U. S. Ship John Adams, *Thompson's Island, January* 30, 1825.

Sir: I have the honor to acknowledge the receipt of your orders of the 27th ult., informing me of your receipt of mine, of the 15th of November, relating what you have been pleased to term "the extraordinary transactions at Foxardo," and recalling me from my command for a full investigation of my conduct in that affair.

Agreeably to your orders, I shall leave this place for Washington, "without unnecessary delay," and have taken measures to obtain all the testimony necessary, and such written evidence as I suppose useful; and on my arrival in the United States shall hold myself ready to justify my conduct in every particular, not only by the laws of nations and of nature, and by highly approved precedent, but, if necessary, by the orders of the Secretary of the Navy.

To use the emphatic language of Mr. Adams, "by all the laws of neutrality and war, as well as of prudence and humanity," I was warranted in chastising and intimidating the authorities of a place who had not only become the allies and protectors of outlaws and pirates, but our active enemies, by the imprisonment and forcible detention of an American officer while in the performance of his duties. "There will need," continues Mr. Adams, "no citation from printed treatises on international law to prove the correctness of this principle. It is engraved in adamant on the common sense of mankind; no writer upon the laws of nations ever pretended to contradict it; none of any reputation or authority ever omitted to insert it."

I am willing, sir, to submit my conduct in this affair to the strictest investigation, and if I cannot justify it, I shall cheerfully submit to the severest punishment that can be inflicted; but if it shall appear that the motives which influenced me were founded in patriotism, that the necessity for my conduct really existed, and that "my vindication is written in every page of the law of nations, as well as the first law of nature—self defence," I shall then hope that atonement will be made for the forcible withdrawal, for an alleged offence, from my command, by restoring me to my former station, and allowing me to retire from it in a manner more honorable to myself and my country, and less injurious to my feelings and character.

This, sir, will be an act of justice that I hope will not be denied me.

I have the honor to be, with great respect, your obedient servant,

(Signed) DAVID PORTER.

Hon. Samuel L. Southard, *Secretary of the Navy, Washington.*

I certify the foregoing to be a true copy from the original on file in this Department.

CHARLES HAY, *Chief Clerk.*

Navy Department, *July* 6, 1825.

(No. 6.)

U. S. Schooner Beagle, *St. Thomas, November* 11, 1824.

Sir: At ten in the morning of the 26th of October last, I received intelligence that the American consul's store had been forcibly entered on the preceding night, and robbed of goods to the amount of five thousand dollars. With this report, the American consul requested me, provided it would prove consistent with my duties, to sail in quest of those whom it was supposed had clandestinely left the harbor the night preceding, in a small boat, and generally believed by those acquainted in St. Thomas, to have proceeded to the port of Foxardo, on the east end of Porto Rico. I directly gave the necessary orders to prepare for sea; having received a good pilot on board, I was enabled, by noon, to proceed in quest of the marauders.

Standing along the south side of Crabb Island, discovered a sloop in Settlement Bay; boarded her and received information of a piratical sloop-rigged boat to leeward, that had been for some time past infesting the coast. This information induced me to alter my course and steer for the west end of Crabb Island. At 10 A. M. discovered a sloop beating to windward, and the small sloop-rigged boat standing from the land. At 10.50, fired a shot to bring the sloop to; at 10.55, fired again; she hove about and stood for the land. Spoke the sloop ———, from St. Croix, bound to St. Thomas; made all sail for the sloop boat, which run into ——— Bay, and her crew abandoned her. At 11.15, came to, and took possession of the deserted boat. At 11.45, made sail and stood for the S. E. end of Porto Rico; at sunset came to in the harbor of Port Foxardo.

On the morning of the 27th, a creole visited me from shore, who bore an invitation from the commandant to me to visit him. At 7 A. M., in company with Lieut. Ritchie, the pilot and the consul's clerk, I landed. For our better success we appeared in the characters of citizens. On my reaching the shore, the register of my vessel was demanded. I explained the object of my visit, and the policy of my appearing in disguise. This, however, proved of no avail; I was not allowed to proceed to Foxardo. Supposing that the person who made these demands had no authority to detain me, I, in company with Lieut. Ritchie, proceeded to the port of Foxardo, and explained in the most satisfactory manner, to the captain of the port, the object of my visit, and produced a private letter from Mr. Cabot, American consul, to a merchant in that place, in relation to the service in which we were engaged.

Having observed the necessary forms and ceremonies with regard to the captain of the port, we then waited upon the alcalde, and further acquainted him with our mission, &c., who proffered us every assistance; having made a few inquiries in some of the retail stores, which had an immediate tendency to bring to light any who may have been engaged in this traffic, we received a positive order to repair to the alcalde's house, where we were also received by the captain of the port, who damned us as pirates, and requested of me, register, papers, &c., &c. I stated I possessed no register; I carried no papers, other than my commission, and that of my officers; we were seized as culprits, and conveyed to prison. To satisfy them of my real character, of which they pretended they had no positive proof, I consented, though repugnant to my feelings, to have my commission sent me. After its production they declared

it a forgery, and again remanded us to prison, declaring he would not release us until he had heard from St. Johns. I then demanded to know what was further required; the reply was, "your appointment as lieutenant commandant of that vessel is what you must produce."

I at first hesitated, and would not comply; but not wishing on my part to commit any action which might have a tendency to disturb the harmony existing between our respective governments, I produced my appointment as lieutenant commandant. A council of officers was called with other citizens of the place, who, after having heaped upon us the most shameful outrages, permitted us to depart on board.

I have the honor to be, very respectfully, your obedient servant,

(Signed) CHAS. T. PLATT, *Lieut. Commandant U. S. Schooner Beagle.*

To Com. D. PORTER, *U. S. Navy.*

I certify the foregoing to be a true copy from the files of this Department.

CHAS. HAY, *Chief Clerk.*

NAVY DEPARTMENT, *July* 6, 1825.

(No. 7.)

WASHINGTON, *March* 16, 1825.

SIR: It is now sixteen days since I had the honor to report to you my arrival here, in obedience to your orders, of 27th December, and I have anxiously since awaited your further instructions.

I am aware, sir, of the interruptions the recent changes in government, and other circumstances, have occasioned to the transaction of public business; and however irksome and uncertain may be my present situation, and, whatever anxiety I may feel on the occasion, it is not my wish to press on the Department my own affiairs in preference to those of more importance; I cannot, however, help requesting that there may be as little delay in the investigation of my conduct, both as regards the affair at Foxardo, and the statements of Mr. Randall and Mountain, as is consistent with the public interests.

The state of ignorance and uncertainty in which I have been kept, as to the intentions of the government, and the desire of vindicating myself to the government and the public, and relieving myself from a species of suspension and supposed condemnation, must be my apology for now troubling you.

Officers continue to make me their reports, and to request of me orders. Not knowing whether the Department still consider me in command of the West Indies squadron, I have been at a loss how to act; will you be pleased to instruct me on the subject?

I have the honor to be, with great respect, your obedient servant,

D. PORTER.

HON. SAMUEL L. SOUTHARD.

I certify the foregoing to be a true copy from the original on file in this Department.

CHAS. HAY, *Chief Clerk.*

NAVY DEPARTMENT, *July* 6, 1825.

(No. 7.)

ST. THOMAS, *November* 12, 1824.

SIR: I have the honor to inform you, that the store of Cabot, Bailey & Co., was broken open on the night of the 24th ultimo, and property to a considerable amount stolen; and having strong reasons to believe that the robbery was committed by a gang of thieves, who harbor in the Island of Porto Rico, I communicated the same to Captain Platt, of the United States schooner Beagle, and he very promptly offered to go there in pursuit of them, and started for Foxardo on the morning of the 25th, with a pilot, which I furnished him, and a young man from the counting house, with a description of the goods, and a letter of introduction to Mr. Juan Campos, from one of the most respectable houses in this place, and well known in that quarter. The manner in which Captain Platt was received and treated has, no doubt, been communicated to you by him.

I beg leave to enclose a letter from Messrs. Bergeest & Whlhorn, confirming the facts of the late robberies in this island, having in most instances been traced to the quarter of Porto Rico, where Captain Platt went.

I have the honor to be, sir, with great respect, your most obedient servant,

(Signed) STEPHEN CABOT, *United States Consular Agent.*

To Commodore DAVID PORTER.

I certify the foregoing to be a true copy from the files of this Department.

CHAS. HAY, *Chief Clerk.*

NAVY DEPARTMENT, *July* 6, 1825.

(No. 8.)

WASHINGTON, *April* 13, 1825.

SIR: I hope it will not be considered obtrusive in me to remind you of the extremely unpleasant situation in which your orders of the 27th December have placed me.

You will recollect, no doubt, that they required me to repair to this place *without unnecessary delay,* to explain my conduct in relation to the Foxardo affair; from this positive injunction, they deprive me of

the opportunity, without taking on myself great responsibility, of obtaining by personal application the written testimony necessary in the case; not knowing the causes which influenced you in urging my recall so speedily, and not wishing to have unnecessary delay ascribed to any wish on my part, the day of my arrival here (the 1st of March,) I reported to you my attendance on your further orders. No notice being paid to this report, after an interview had with the President, I again addressed you at his suggestion, on the 16th of the same month, and on the same day I received your letter apprising me that by the determination of the Executive, a court of inquiry would be formed, to examine into the occurrences at Foxardo, as well as the charges of Mr. Randall, so soon as circumstances will permit.

Since that time, I have waited patiently your convenience, regardless of the anxiety and importunity of my friends, not wishing to press my business on you to the exclusion of matters which might now appear to you of more importance to the public interest than the investigation of my conduct in the Foxardo affair, or the charges against myself and others as contained in Mr. Randall's statements. I must beg leave to observe to you, however, that the manner of my recall proves that, at the time your order of the 27th December was issued, the investigation of the affair which caused it was considered of great national importance, and a note subsequently received from Mr. Monroe not only confirms this belief, but proves that he still thought so after he had gone out of office. I must also beg leave to observe, that whatever opinion may be entertained now, the punishment to me is none the less on account of the change, if any change has taken place. The affair of Foxardo was the occasion of my recall—the affair of Foxardo was the occasion of my being displaced from my command—it is that affair which now keeps me suspended from the exercise of my official functions—it was that which caused you to pronounce censure on me, to punish and degrade me, before any complaint against me, before trial, and before I was called on for explanation.

If, sir, opinion is changed; if, by information since received from other quarters, you have been induced to believe that the public interests do not require so much haste in the investigation as you at first supposed, it would seem but just that my own anxieties and the anxieties of those whose peace of mind I regard, and good opinion I highly respect, should be relieved by some intimation of your intentions with regard to me; that there should be, in fact, some relaxation in the severity of the course adopted toward me.

It is with reluctance that I trouble you with any complaint whatever; but I feel that I should neither do my duty to myself, to what I owe to others, and indeed to the service to which I belong, if by a longer silence I gave reason to believe that I acquiesced in a course of conduct toward me, which, when a full investigation takes place, and all the facts are known, few, I think, will acknowledge is founded on justice.

The Executive, it appears, has decided that a court of inquiry shall be ordered to investigate my conduct. Why then deprive me of the opportunity of making my explanation, by delaying the execution of the Executive will? Upwards of six weeks have elapsed since I reported my arrival here, and as yet I only know the determination of the Executive.

The time when, the place where, and by whom the investigation is to be made, are unknown to me; no definite period is fixed on for the holding of the court, and I therefore most respectfully ask what is your determination with respect to me? that I may know what course of conduct it would be proper for me to pursue.

I have the honor to be, your obedient servant, D. PORTER.

Honorable SAMUEL L. SOUTHARD.

I certify that the foregoing is a true copy from the original on file in this Department.

CHAS. HAY, *Chief Clerk.*

NAVY DEPARTMENT, *July* 6, 1825.

(No. 8.)

SIR: At the request of our friend, Mr. Stephen Cabot, we beg leave to state to you some facts relative to the robbery lately committed in this island.

Our own store, and, amongst others, those of our neighbors, Messrs. Ellis, Gibson & Co., John Kettle, Esq., Robert Alexander, Esq., Saubot, Zobert & Co., were forcibly broken open, property to a very large amount stolen, and a considerable part of the goods traced to Nagaubo, near Foxardo; in consequence of which, and the circumstance that about ten days previous to the robbery committed in the store of Messrs. Cabot, Bailey & Co., a gang of desperate thieves made their escape from the prison at the city of Puerto Rico; as also every search had been made here on shore, as well as in the harbor, and nothing discovered, except that the goods stolen had been carried off by the sea side, induced us to recommend to those gentlemen sending down a person to Foxardo, as being probably the means of tracing the robbers.

Desirous of assisting our friends Messrs. Cabot, Bailey & Co. in this object, we gave one of their clerks, and whom we undertood was to go down in the U. S. schooner Beagle, a letter of recommendation to our friend, Mr. Juan Campos, in Foxardo, who had, on former occasions of the same nature, been the means of discovering the property and perpetrators, in the case of Messrs. Ellis, Gibson & Co., and our own.

We have the honor to be, with sentiments of the highest regard, sir,

Your obedient humble servants,

BERGEEST & WHLHORN.

ST. THOMAS, *November* 11, 1824.

To Commodore DAVID PORTER.

I certify the foregoing to be a true copy from the files of this Department.

CHAS. HAY, *Chief Clerk.*

NAVY DEPARTMENT, *July* 6, 1825.

(No. 9.)

MERIDIAN HILL, *June* 14, 1825.

SIR: I have received your letter of yesterday's date, acknowledging the receipt of a pamphlet published by me, respecting the proceedings of the court of inquiry, and transactions at Foxardo; and expressing your surprise that I should have considered it proper, while my case and the report of the court of inquiry were still under consideration of the Executive, to make a publication relating thereto; and especially a publication in so many respects deficient and inaccurate.

I beg leave to state to you, that the publication alluded to was put to press, and nearly ready for distribution, before I received any intimation from you of an opinion on the part of the Executive that further proceedings in the case were deemed necessary; an intimation which occasioned to me great surprise, and it was only the hope of removing from the mind of the Executive an idea of this necessity which induced me to circulate it, after being so notified, as you will perceive by the note accompanying the pamphlet sent you a few days after your notification; a notification which, pardon me, sir, I did believe was intended for the sole purpose of stopping my publication, as I could find no other motive for it, nor have I yet been able to find any other, as I am to this day not arrested, as I was informed by you I should be in a few days.

If, by an intimation of the deficiencies and inaccuracies which my pamphlet contains, it is intended to convey the idea of a willful misrepresentation on my part, I beg you to point out in what it consists. The record of the proceedings as published is copied from the record of the judge advocate, and the documents, whether rejected or otherwise, for or *against me*, so far as I could possess myself of them, accompany the publication; and I certainly have not omitted any against me, that were admitted by the court as testimony; to the contrary, I have inserted one of that character which was rejected by the court as unauthentic, to wit, the Porto Rico publication. There are one or two trifling typographical errors, the most important of which is the word *clothes* instead of colors, in the testimony of Mr. Platt, page 15, and I think an omission to italicise the words "fearful odds," in page 37, which surely cannot be the inaccuracies and deficiencies alluded to, as the first error is calculated to operate against myself, and the other, if it really exists, is of no importance. There is also an unimportant letter from you to the court, transmitting the rejected documents, which by a note in page 31, and the report of the court, which, by a remark in page 32, I acknowledge not to be in my possession.

The first was refused to me by the judge advocate; the latter I am still ignorant of, but the publication of both I now respectfully invite.

The anonymous publication in yesterday's Journal, of the same date of your letter, taken in connection with the language of it, leaves no doubt of the source whence it originated; I, consequently, considering my relationship to the Department, feel restrained from making suitable comments thereon; it is, therefore, only left for me to express the hope that the promised period for rectifying the errors and supplying the deficiencies which are said to exist in the pamphlet, may soon arrive; and until it does, I hereby voluntarily pledge my "sacred honor" that none will appear in it, except those I have indicated, so far as I could, by every effort on my part, obtain a knowledge of the proceedings of the court, and I have no doubt I have obtained them correctly.

If it is intended to intimate that the reasonings contained in my defence are fallacious, and present an improper view of the subject, I can only say that they are the expressions of my honest, unaided opinions and convictions, and that I should have delivered them before the court, had I been allowed the opportunity of doing so. They are before the public; the public will judge of their value, and I now more than ever feel the necessity of appealing to its decision.

I am not impatient of it, and wait the convenience of the Department, in whatever measures it may think proper to adopt towards me.

I take the liberty to remind you that I am still ignorant of the opinion of the court of inquiry on the charges of Messrs. Randall and Mountain, and to request that it may be laid before the public, that it may be able to judge whether I am innocent or guilty of them. If the court have pronounced me innocent, I am entitled to all the benefits of their opinion; if I am guilty, I am unworthy of holding my commission, and should wish no longer to disgrace it.

I have the honor to be, your obedient servant, D. PORTER.

Hon. SAML. L. SOUTHARD.

I certify the foregoing to be a true copy from the original in this Department.

CHAS. HAY, *Chief Clerk.*

NAVY DEPARTMENT, *July* 6, 1825.

(No. 10.)

WASHINGTON, *May* 2, 1825.

SIR: The accompanying pamphlet, which was put to press shortly after the proceedings of the court of inquiry on the Foxardo affair, contains all the explanations I shall ever be able to make, in justification of my conduct.

I never had, at any time, any doubts of the propriety of the course I pursued, nor have I now; and it will be the source of great regret to me, if, after a perusal of the pamphlet, further proceedings in the case should be thought necessary.

If it be thought that I have erred in judgment, the purity of my intentions, I presume, cannot be doubted.

I have the honor to be, with great respect, your obedient servant,
(Signed) D. PORTER.

Hon. SAM'L L. SOUTHARD.

I certify the foregoing to be a true copy from the original on file in this Department.

CHAS. HAY, *Chief Clerk.*

NAVY DEPARTMENT, *July* 6, 1825.

(No. 11.)

The pamphlet referred to in the second specification, is inserted after No. 43.

(No. 12.)

Captain Porter having examined the proposed interrogatories of Mr. Monroe, on the part of the judge advocate, is, after mature reflection, and with the best advice in his power to obtain, utterly at a loss to conceive by what authority the proposed commission to examine Mr. Monroe in the manner proposed, has been claimed by the judge advocate; or how any evidence to be taken under it, can be admitted in the place of the testimony of the witness, in person, before the court; or what legitimate relation or bearing the evidence which the said interrogatories import an intention to produce, can have to any matter involved in the present trial.

Having repeatedly called upon the judge advocate for some precise specification of the circumstances wherein the supposed guilt implied by the accusation, under the head of the second charge, consists, and of the gist or point of the accusation to which the proposed evidence applies, he forbears any further attempt to penetrate the mysterious and studied silence, by which all reasonable information on this point is concealed. He therefore, simply proposes the following interrogatories on his part; being all that, under present circumstances, he can conjecture to be at all pertinent to any fact of which the judge advocate's interrogatories indicate an intention to make inquiry and proof. But he does so under a solemn protest against the legality, the justice, and the fairness, upon any principle of law, equity, or candor, of the whole proceedings, and distinctly reserving to himself, when the execution of this pretended commission shall be produced, every proper exception to the regularity or competency of such commission, and of the execution of the same; and to the pertinency and admissibility of any evidence to be offered under it; if to him it shall seem necessary or proper to interpose such exceptions.

(No. 13.)

For the original record of the proceedings of the court of inquiry, see page 133.

(No. 14.)

MERIDIAN HILL, *June* 15, 1825.

SIR: In consequence of an *anonymous* publication which appeared in your paper of the 14th, and dated the 13th, respecting my pamphlet containing the proceedings in the Foxardo affair, &c., I have to request you to publish the accompanying correspondence.

Very respectfully, your obedient servant, D. PORTER.

Mr. PETER FORCE.

NAVY DEPARTMENT, *May* 28, 1825.

SIR: The court of inquiry, lately assembled at the Navy yard, Washington, has closed its examination into the matters submitted to it, and made report to the Department.

I am instructed by the Executive to inform you that it has been found necessary that further proceedings should be had in relation to the transactions at Foxardo, and that, in the course of a few days, charges will be preferred, you will be arrested, and a court-martial summoned for your trial.

I am, very respectfully, sir, your obedient servant,

SAML. L. SOUTHARD.

Capt. DAVID PORTER, *U. S. Navy.*

WASHINGTON, *May* 30, 1825.

SIR: Late on Saturday night (the 28th) I received from your messenger your communication of that date, informing me that the court of inquiry had closed its examination into the matters submitted to it, and made report to the Department; also, apprising me of the intentions of the Executive with regard to me.

Ignorant, as I am, of the report of the court, I can form no idea of the nature of the charges intended to be preferred against me, the motives of the Executive, or the object of the notification. I have the honor, therefore, to ask of you the necessary information to enable me to prepare for my defence.

With great respect, your very obedient servant, D. PORTER.

Hon. SAMUEL L. SOUTHARD, *Secretary of the Navy.*

WASHINGTON, *June* 2, 1825.

SIR: The accompanying pamphlet, which was put to press shortly after the termination of the proceedings of the court of inquiry on the Foxardo affair, contains all the explanations I shall ever be able to make in justification of my conduct.

I never had, at any time, any doubts of the propriety of the course I pursued—nor have I now; and it will be the source of great regret to me, if, after a perusal of the pamphlet, further proceedings in the case should be thought necessary.

If it be thought that I have erred in judgment, the purity of my intentions, I presume, cannot be doubted.

I have the honor to be, with great respect, your obedient servant, D. PORTER.

Hon. SAMUEL L. SOUTHARD.

NAVY DEPARTMENT, *June* 13.

SIR: Your letter, transmitting a pamphlet respecting the proceedings of the court of inquiry, and the transactions at Foxardo, &c., was received, and the copy, endorsed for the President, immediately delivered to him.

It is the cause of surprise that you should have considered it proper, while your case and the report of the court of inquiry were still under the consideration of the Executive, to make a publication relating thereto, and especially a publication in so many respects deficient and inaccurate.

I am, respectfully, &c.,

SAML. L. SOUTHARD.

Commodore DAVID PORTER, *U. S. Navy.*

MERIDIAN HILL, *June* 14, 1825.

SIR: I have received your letter of yesterday's date, acknowledging the receipt of a pamphlet published by me, respecting the proceedings of the court of inquiry, and transactions at Foxardo, &c., and expressing your surprise that I should have considered it proper, while my case and the report of the court of inquiry were still under consideration of the Executive, to make a publication relating thereto, and especially a publication in so many respects "deficient and inaccurate."

I beg leave to state to you that the publication alluded to was put to press and nearly ready for distribution before I received any intimation from you of an opinion on the part of the Executive that further proceedings in the case were deemed necessary; an intimation which occasioned to me great surprise, and it was only with the hope of removing from the mind of the Executive an idea of this necessity, which induced me to circulate it after being so notified, as you will perceive by the note accompanying the pamphlet sent you a few days after your notification; which, pardon me, sir, I did believe was intended for the sole purpose of stopping my publication, as I could find no other motive for it, nor have I yet been able to find any other, as I am to this day not arrested, as I was informed by you I should be.

If, by an intimation of the deficiencies and inaccuracies which my pamphlet contains, it is intended to convey the idea of a willful misrepresentation on my part, I beg you to point out in what it consists.

The record of the proceedings, as published, is copied from the record of the judge advocate; and the documents, whether rejected or otherwise, *for* or *against me*, so far as I could possess myself of them, accompanying the publication; and I certainly have not omitted any *against* me that were admitted by the court as testimony; to the contrary, I have inserted one of that character which was rejected by the court as unauthentic, to wit, the Porto Rico government publication.

There are one or two trifling typographical errors, the most important of which is the word *clothes* instead of *colors*, in the testimony of Mr. Platt, page 15, and I think an omission to italicise the words "fearful odds," in page 37, which surely cannot be the inaccuracies and deficiencies alluded to, as the first error is calculated to operate against myself, and the other, if it really exists, is of no importance. There is also an unimportant letter from you to the court, transmitting the rejected documents, which by a note in page 31, and the report of the court, which by a remark in page 32, I acknowledge not to be in my possession. The first was refused to me by the judge advocate. The latter I am still ignorant of; but the publication of both I now respectfully invite.

The anonymous production in yesterday's Journal, of the same date of your letter, taken in connection with the language of it, leaves no doubt of the source whence it originated. I, consequently, considering my relationship to the Department, feel restrained from making suitable comments thereon. It is, therefore, only left for me to express the hope that the promised period for rectifying the errors and supplying the deficiencies which are said to exist in the pamphlet may soon arrive; and until it does, I hereby voluntarily pledge my "sacred honor" that none will appear in it, except those I have indicated, so far as I could, by every effort on my part, obtain a knowledge of the proceedings of the court, and I have no doubt I have obtained them correctly.

If it is intended to intimate that the reasons contained in my defence are fallacious, and present an improper view of the subject, I can only say they are the expressions of my honest, unaided opinion and convictions, and that I should have delivered them before the court, had I been allowed the opportunity of doing so. They are before the public; the public will judge of their value; and I now more than ever feel the necessity of appealing to its decision. I am not impatient of it, and wait the convenience of the Department in whatever measures it may think proper to adopt towards me.

I take the liberty to remind you that I am still ignorant of the opinion of the court of inquiry on the charges of Messrs. Randall and Mountain, and to request that it may be laid before the public, that it may be able to judge whether I am innocent or guilty of them.

If the court has pronounced me innocent, I am entitled to all the benefits of their opinion; if I am guilty, I am unworthy of holding my commission, and should wish no longer to disgrace it.

I have the honor to be, your very obedient servant,

D. PORTER.

Hon. SAMUEL L. SOUTHARD.

(No. 15.)

Variances, &c.

Pamphlet, p. 11, 7th line—"Into the matters aforesaid," original *matter*. 21st line—"And (it) is also empowered;" original, *it* omitted.

P. 13, 3d paragraph—in pamphlet—"Captain David Porter also appeared, and being asked whether

he had any objection to offer against either of the members of the court, replied that he had no specific objection to individuals, but he objected to the materials of which the court was composed; and stated further that he had some remarks to make on the subject, as well as on the precept; that he did not think the court was legally formed. The oath," &c.

The original record reads:

"Captain David Porter also appeared, and being asked whether he had any objection to offer against either of the members of the court, replied that he had no specific objection to urge, but that he had some remarks which he wished to submit to the consideration of the court after it was organized, and previous to its proceeding to make the investigation for which it was convened. Whereupon the oath," &c.

P. 15, line 27—after the word breakfast, "about an hour after I finished my breakfast" I received, &c.; the words between inverted commas omitted. Line 38—*clothes* instead of *colors*.

P. 16, 10th line from bottom—*cofined* instead of *confined*.

P. 17, end of third line, *my* omitted.

P. 20, 7th line from bottom, after the word court, *the paper was*, omitted in pamphlet.

P. 22, 3d line of the proceedings of Thursday, *receiving* instead of *perusing*. 2d line of last paragraph, (marked F,) not in original.

P. 23, first line, after paper, "it was accordingly read, annexed to the record, and marked F," omitted. 17th line from bottom, after the word *which*, the words "holds the highest commission which" omitted in pamphlet.

P. 26, 8th line from the bottom of the text, the word *some* omitted before *resistance*.

P. 27, 9th line, the first word *then* not in original. 2d paragraph, *were* instead of *being*, and the sentence made to end at *men*, instead of going on through the paragraph.

P. 29, 18th line from bottom, the word *up* not in original.

P. 30, 2d paragraph, *half-past ten* instead of *two*.

P. 31, the sentence "The judge advocate informed the court that he should probably be in possession of more testimony to submit to-morrow, but had none to lay before the court at this time," omitted before the adjournment till 12 o'clock to-morrow, and the two sentences after that adjournment not in original.

In the proceedings of Saturday, 1st paragraph, the original reads "Present: all the members of the court, the judge advocate, and Captain Porter." 2d paragraph, the communication from the Secretary of the Navy, marked (G), not inserted in the pamphlet.

P. 32, the third paragraph not in the original. A note attached on the original record, at the end of the first paragraph, omitted. The 2d, 3d, 4th, and 5th paragraphs all vary from the original, and the report of the court is entirely omitted.

The communication from the Secretary of the Navy, not introduced into the original record, but annexed to the subsequent proceeding; and the word *proposed*, at the end of the 4th paragraph, instead of *prepared*.

In the documents, given in evidence, the original record gives:

No. 1. Letter from Captain Porter to Secretary of Navy, of November 15, 1824.

No. 2. Same to same, January 1, 1825.

No. 3. Stephen Cabot to Commodore Porter, November 12, 1824.

No. 4. Bergeest and Ulhorn to same, November 11, 1824.

No. 5. Charles T. Platt to same, November 11, 1824.

No. 6. Secretary of Navy to same, February 1, 1823.

In the pamphlet, pp. 43, &c., the papers 3, 4, 5, are transposed; No. 6 wholly omitted, and one inserted as No. 6, which never was submitted to the court in that investigation.

Page 34, 5th line from bottom, *were* instead of *was*.

Page 36, commencement of 6th paragraph, the words "I beg leave to state further that" omitted. Same paragraph, 3d line, after *court*, the original reads "and I should now waive all objections," &c. Same paragraph, 3d line from bottom, the word *as* not in the record.

Page 37, 3d line, the word *formed* omitted in the pamphlet, before *regulated*. 9th line of 2d paragraph, *the design* instead of *designed*. 9th and 8th lines from bottom of paper B, "considering the fearful odds I have to contend against," italicised in the original.

Page 71, 3d and 4th lines of 3d paragraph, *to any subject* instead of *to the subject*.

Page 42, 11th line of 2d paragraph, *a power* instead of *its power*.

(No. 16.)

In the case of Captain David Porter, now before the general court-martial at the Marine barracks at Washington, it is hereby agreed, by and between the judge advocate and the said Captain D. Porter, that the following statement of facts is true, and that the attendance of witnesses to prove the same is dispensed with on each side:

Captain Porter did, on the 28th day of May, 1824, write a letter to the Secretary of the Navy, a true copy of which is hereunto annexed, and did dispatch the same from the place where it purports to have been written, by Lieutenant Legare, of the United States schooner Wild Cat, to deliver the same to the Secretary of the Navy.

It is agreed, also, that Lieutenant Legare sailed in the United States schooner Wild Cat, from Matanzas, for Washington, on the 29th day of May, 1824, with the said letter of the 28th, and that Captain Porter sailed from the same place, Matanzas, on the 15th day of June following.

Lieutenant Legare did arrive at the city of Washington, and did deliver the same to the Secretary of the Navy, at his house, in the city of Washington, on the evening of June 24th, 1824.

Captain Porter arrived in the city of Washington, in the Sea Gull, some time on the same 24th day of June, some hours previous to the arrival of Lieutenant Legare, having passed him in the river, on his way up. The arrival of Captain Porter was announced to the Secretary of the Navy, one or two hours before the arrival of Lieutenant Legare, and the delivery of the said letter at the house of the Secretary, who thereupon expressed great surprise at receiving the intelligence, and stated it to have been wholly unexpected by him.

(No. 17.)

The Secretary of the Navy requests Messrs. Gales and Seaton to inform him from whom they received t' e correspondence which was published in the "Daily National Intelligencer," of the 30th of March last, purporting to be correspondence between the Secretary of the Navy and Commodore David Porter.

NAVY DEPARTMENT, *April* 15, 1825.

(No. 18.)

The Secretary of the Navy presents his respects to Messrs. Gales and Seaton, and informs them that his object in writing the note to which theirs of the 16th is an answer, was to discover whether the correspondence referred to was communicated by an officer of the navy, and if so, by what officer.

The Secretary of the Navy believes that it was improper in any officer, under the circumstances of the case, to communicate that correspondence to the public. He would, therefore, be gratified to learn who the officer is, if Messrs. Gales and Seaton feel perfectly at liberty to give the information. He wishes not, however, to create the slightest difficulty between them and their correspondent, or to obtain from them what it would be in the least improper for them to communicate.

NAVY DEPARTMENT, *April* 18, 1825.

(No. 19.)

Copies of letters from Gales and Seaton to the Secretary of the Navy.

Gales and Seaton have the pleasure to acknowledge the receipt of the note of the Hon. Secretary of the Navy, requesting them "to inform him from whom they received the correspondence which was published in the Daily National Intelligencer, of the 30th of March last, purporting to be a correspondence between the Secretary of the Navy and Commodore D. Porter." G. and S. have the honor to state, in reply to this note, that the copy of the correspondence was received from an officer of the navy. If it be not genuine, or be incorrect, the name of the communicator will be instantly disclosed to the Secretary of the Navy.

OFFICE OF THE NATIONAL INTELLIGENCER, *April* 16, 1825.

OFFICE OF THE NATIONAL INTELLIGENCER, *April* 19, 1825.

Gales and Seaton present their respects to the Hon. Secretary of the Navy, acknowledging the receipt of his note of the date of yesterday. In seeking for their readers, from sources accessible to them, information of an authentic nature concerning a matter already spread before the public by official documents, they were not aware that they should for themselves, or for the gentleman who kindly furnished the copies of the papers referred to, incur the disapprobation of the Department.

The authenticity of those papers not being questioned, and the name of the officer being desired, it would appear, only to disapprove of his conduct, the editors being unwilling to compromit any one for a service rendered to them, if not the public, take leave most respectfully to decline a compliance with the request of the Hon. Secretary, assuring him at the same time, with great sincerity, that there is not an officer in this government to whose known wishes it would give them greater pleasure at any time to accede.

P. S.—It can hardly be necessary to state that, in coming to the conclusion above stated, G. and S. have not held any consultation with their correspondent who furnished the papers in question.

(No. 20.)

Commodore Porter.

We have been informed that, though in point of fact we were not in error in our note appended to remarks taken from the Cincinnati Gazette, and inserted in ours of the 28th instant, yet, notwithstanding that, Commodore Porter no longer holds command of the West India squadron. We have, therefore, with a view of it being correct and preventing wrong impressions, sought, and obtained, copies of the correspondence on the subject of the recall of Commodore Porter, which we can see no impropriety in publishing at this time, as the letters have no bearing on the *merits* of the question to be hereafter decided, as to the correctness or incorrectness of his conduct in the Foxardo affair.

It has been publicly and officially announced by the late President of the United States, to Congress, that Commodore Porter has, in consequence of that affair, been recalled, and it is proper that the nation should know the true position of the case. The Executive, no doubt, conceived itself to be right in recalling him, and from the confident tone of the commodore's reply, there can be as little doubt that he thinks himself right in what he has done. If he can justify himself no evil can result to him from what has taken place; if he cannot, he can have no objection in submitting to the punishment he has volunteered to suffer.

The "instructions" to the commodore have been communicated to Congress by the Navy Department, and the public can form an opinion how far he can sustain himself by them. It remains to be seen how far he can justify himself by the "laws of nature and of nations," and by highly approved precedent.

NAVY DEPARTMENT, *December* 27, 1825.

SIR: Your letter of the 15th of November last, relating to the extraordinary transactions at Foxardo, in the Island of Porto Rico, on the — of that month, has been received and considered.

It is not intended, at this time, to pronounce an opinion on the propriety of those transactions on your part, but their importance demands for them a full investigation, and you will proceed without unnecessary delay to this place, to furnish such explanations as may be required, of everything connected with their cause, origin, progress, and termination. For that purpose, you will bring with you those officers whose testimony is necessary, particularly Lieut. Platt, and such written evidence as you may suppose useful.

You will return in such convenient vessel as may be best spared from the squadron, and on your leaving the station, you will deliver the command to Captain Warrington, with all such papers, instructions, and information as may be useful to enable him in the most effectual manner to accomplish all the objects for which the vessels now under your command were placed there.

I am, very respectfully, &c.,

SAM'L L. SOUTHARD.

Com. DAVID PORTER, *commanding U. S. Naval Forces, West Indies, Gulf of Mexico, &c.*

U. S. SHIP JOHN ADAMS, *Thompson's Island, January* 30, 1825.

SIR: I have the honor to acknowledge the receipt of your orders of the 27th ultimo, informing me of your reception of mine of the 15th of November, relating to what you have been pleased to term "the extraordinary transactions at Foxardo," and recalling me from my command for a full investigation of my conduct in that affair.

Agreeably to your orders, I shall leave this place for Washington "without unnecessary delay," and have taken measures to obtain all the testimony necessary, and such written evidence as I suppose useful, and on my arrival in the United States shall hold myself ready to justify my conduct in every particular, not only by the laws of nations and of nature, and by highly approved precedent, but, if necessary, by the orders of the Secretary of the Navy.

To use the emphatic language of Mr. Adams, "by all the laws of neutrality and war, as well as of prudence and humanity," I was warranted in chastising and intimidating the authorities of a place who had not only become the allies and protectors of outlaws and pirates, but our active enemies, by the imprisonment and forcible detention of an American officer while in the performance of his duties. "There will need," continues Mr. Adams, "no citation from printed treatises on international law to prove the correctness of this principle. It is engraved in adamant on the common sense of mankind. No writer upon the law of nations ever pretended to contradict it; none of any reputation or authority ever omitted to insert it."

I am willing, sir, to submit my conduct in this affair to the strictest investigation, and, if I cannot fully justify it, I shall cheerfully submit to the severest punishment that can be inflicted. But, if it shall appear that the motives which influenced me were founded in patriotism, that the necessity for my conduct really existed, and that "my vindication is written in every page of the law of nations, as well as the first law of nature, self defence," I shall then hope that atonement will be made for this forcible withdrawal, for an alleged offence, from my command, by restoring to me my former station, and allowing me to retire from it in a manner more honorable to myself and country, and less injurious to my feelings and character.

This, sir, will be an act of justice that I hope will not be denied to me.

I have the honor to be, with great respect, your obedient servant,

D. PORTER.

Hon. SAMUEL L. SOUTHARD, *Secretary of the Navy.*

Extract of a letter from Com. Porter to the Hon. Secretary of the Navy, dated—

WASHINGTON, *March* 16, 1825.

Officers continue to make to me their reports and to request of me orders. Not knowing whether the Department still consider me in command of the West India squadron, I have been at a loss how to act. Will you be pleased to instruct me on the subject?

I have the honor to be, with great respect, your obedient servant,

D. PORTER.

Hon. SAML. L. SOUTHARD.

Extract of a letter from Hon. Samuel L. Southard to Commodore Porter, dated—

NAVY DEPARTMENT, *March* 16, 1825.

It was the intention of the Department, in ordering Captain Warrington to the West Indies, to relieve you from the command of the squadron there.

I am, respectfully, &c.,

SAM'L L SOUTHARD.

Com. DAVID PORTER, *U. S. Navy. Present.*

(No. 21.)

GEORGETOWN, *May* 21, 1825.

SIR: After mature reflection, I regret that it is out of my power to comply with the request made on your behalf, for a part of the record of the proceedings of the court of inquiry, in relation to the Foxardo affair, which your clerk accidentally omitted to copy. So long as you participated in the proceedings of the court, and the investigation remained uncompleted, I considered myself as authorized to communicate to you the proceedings of the court. The investigation is, however, now completed—the record has been transmitted to the Department, and is beyond my control. My impression is that I am not at liberty to communicate my private notes of the proceedings of the court under these circumstances, particularly for the purpose of being copied, without the knowledge and consent of the government. I presume, however,

that on an application to the Department, a more correct transcript of the proceedings of the court will be furnished you than it is in my power to afford.

Very respectfully, your obedient servant, RICH'D S. COXE.

Commodore PORTER.

(No. 22.)

It is admitted that Mr. Simpson, representing himself as acting for Captain Porter, called on me at my house, and requested to be furnished with a certain part of the evidence given before the court of inquiry, alleging that a chasm existed, and showing me a memorandum in the handwriting of Captain Porter, by which it appeared that the chasm existed in the testimony of Captain Dallas, which is now published in the pamphlet, beginning at p. 25, and ending, according to my recollection, at the end of the first paragraph on p. 27. Doubting the propriety at that time of furnishing my private notes, after consulting the members of the court of inquiry, I sent the letter of the 21st of May, as my answer to this application. On the same day on which it was sent, Lieutenant Farragut came into the room where the court of inquiry was engaged in the second subject of investigation, and mentioned to me that Commodore Porter wished to have the letter from the Secretary of the Navy to the court, referred to in the proceedings of the court, of Saturday, May 7th. I replied to him that the original was annexed to the record, and transmitted to the Department, nearly a fortnight since, and that I had no copy; it was therefore impossible for me to comply with the application; I handed to Mr. Farragut, at the time of this conversation, (whether before or after I cannot positively say, but I think immediately after) the letter which was then written, and was I believe lying on the table sealed when he came in.

The foregoing paper was handed to Captain Porter by the judge advocate, July 25th, and returned by him on the 26th.

(No. 22.)

WASHINGTON, *July* 27, 1825.

SIR: In answer to a question put to me yesterday by the court-martial, I declined giving the name of the person who was our authority for a certain paragraph contained in the Intelligencer of May 5th. My unwillingness to answer the question directly, proceeded not from a belief that the gentleman concerned would feel himself aggrieved by a disclosure of his name, but from a regard for a principle which I deem it important to observe, and a respect for which dictated my answer to a similar question propounded to me by the court the day preceding, in reference to another publication in the Intelligencer. It is due to the gentleman who communicated to us the statement embraced in the paragraph of May 5th, to acquaint you now with the fact, that having heard of my refusal to give up his name, he immediately addressed to me a note, desiring unequivocally that I should not be restrained by any considerations of delicacy towards him from giving his name to the court, as it was his intention, in marking his note of May 5th "*private*," only to withhold his name from the newspaper.

This statement is due to the frankness of the gentleman making the communication, and you will have the goodness to place it before the court, although I do not, by the permission which he gives, feel myself absolved from the obligation which regulated my answer yesterday.

Very respectfully, your obedient servant, W. W. SEATON.

RICHARD S. COXE, Esq., *Judge Advocate Navy Court-Martial.*

(No. 23.)

OAKHILL, *July* 25, 1825.

SIR: I have answered the several interrogatories on the part of the United States and of Commodore Porter, in the trial now pending before the court-martial at Washington, which answer I now enclose to you, with the documents received from you by the messenger. The answer has been sworn to before a magistrate of the county.

I am, sir, with respect, your very obedient servant, JAMES MONROE.

To RICH'D S. COXE, Esq., *Judge Advocate.*

(No. 24.)

Interrogatories to be propounded to the Hon. James Monroe, in the case of Captain David Porter, now in the course of trial before a general naval court-martial at the city of Washington.

Interrogatory first. Are the accompanying papers, numbered one and two, purporting to be from Captain David Porter to you, original letters received by you from him, and when were they respectively received?

Interrogatory second. Is the paper numbered 3, a copy of a letter written by you to said Captain David Porter in reply to his letter, No. 1, and was the same transmitted to him? Have you any, and what, reasons for believing that the same was received by him?

Interrogatory third. Has it been a usual or unusual thing for a captain in the navy of the United States to solicit, by letter, permission to pay his respects to you in person? If the latter, are you acquainted with the reasons or causes which induced such application on the present occasion? Be pleased to state such reasons fully, and in detail.

Interrogatory fourth. Is it true, as is stated in your letter, No. 3, that the orders which were given to Capt. Porter, relating to his command in the West Indies, and particularly the orders to Capt. Porter in October last to return to his station, and the order of December last recalling him, were given at your instance, and under your inspection; and have you any reasons for knowing or believing that this fact was known to Captain Porter?

Interrogatory fifth. Have you ever seen any reason to believe, or to disbelieve, that the Secretary of the Navy, in his official correspondence with Capt. Porter, indicated any hostility to Capt. Porter, or was influenced by any feeling of unkindness? State fully such facts and circumstances, within your knowledge, as are calculated to illustrate this question.

RICHARD S. COXE, *Judge Advocate.*

1. Please to say whether, in the latter part of June, or the beginning of July, 1824, (or about that time,) you sent a message by Com. Chauncey to me, to say that I must not visit you until after I had seen the Secretary of the Navy, then absent; and until you had received some explanation as to the cause of my return from the West Indies?

2. Were you not induced so to interdict personal communication with me in consequence of having received the impression that I had left the West India station without having apprised the Navy Department of there being a necessity for it?

3. Was the letter from the Secretary of the Navy to me, of October 21, 1824, (a certified copy whereof is annexed,) containing a peremptory order for me to proceed to the West Indies, in the John Adams, contrary to my express and known wish and entreaty, and explaining the reasons for giving such order, written or dictated by yourself, in form or substance; if not, was it shown to you, and by whom, before it was dispatched to me? Please state, particularly, by whom the original draft of this letter was prepared.

4. Was not the impression you had received of my having departed from the strict line of my duty, in quitting the West India station, the operative inducement, or did it weigh anything with you, in either writing or causing to be written, or sanctioning after being written, such peremptory order to go out in the John Adams, instead of waiting a few weeks for the Constellation, as I had requested?

5. Was it not represented to you, and have you not expressed yourself as having received the impression, that I had only vented, upon the authorities and people of Foxardo, my own angry feelings and personal pique at having been ordered out in the John Adams in the manner I was, or something to that effect? Or, was any such imputation addressed by anybody to you, or uttered in your presence, and by whom?

6. In consequence of the interdict to my personal intercourse with you, as above suggested in my first interrogatory, did I not forbear to call on you, even on the 4th of July, and continually, until afterwards repeatedly invited to do so, by special messages from you?

7. When and where, and upon whose application, did you communicate and deliver to the Secretary of the Navy the said letters of the 10th and 12th of March last, annexed to the judge advocate's interrogatories? If they were so delivered, on a *written* application, please annex it to your answer; if upon a personal one, please to say from whom, and when and where?

8. Was that correspondence so communicated with an intention that it should be deposited among the archives of the Navy Department, and when was it so deposited?

9. Do you know that, at the time I wrote you the said letter of the 26th October, 1824, mentioned in yours of the 12th of March last, I had been made acquainted with the fact of your having either originally drafted, or dictated, or directly approved the said letter from the Secretary of the Navy of the 21st of the same month?

Signed under the protest, filed and reserved. D. PORTER.

WASHINGTON, *July* 22, 1825.

(No. 25.)

Answers of James Monroe to the interrogatories propounded to him in the case of Commodore Porter, in the trial now depending before a general court-martial, at the city of Washington.

1. To the first interrogatory, on the part of the United States, I answer, that the letter or paper numbered one is, according to my recollection, a correct copy of a letter from Commodore Porter to me. I return the paper with a note to this effect on it.

The letter numbered two is an original letter from Commodore Porter to me. They were both received about the time of their respective dates.

2. Answer to the second: the paper numbered three is a copy of my letter to him, of the 12th of March last; and, as I believe, a correct one.

3. Answer to the third: it was not usual for a captain, or any officer in the navy or army, to solicit an interview with me by letter. They always called when they had business; and generally on their arrival in town or departure from it; and I always received them without form, when I happened to be free from other engagements.

The interview in the instance stated was asked, as I presume, in consequence of my having recalled him from the command in the West Indies, on account of the attack made by him on Foxardo, in the Island of Porto Rico. That recall implied a doubt of the propriety of his conduct in making the attack, which had never been removed by any intimation from me, either by inviting him to see me, or otherwise. His return occurring so short a time before I left office, I deemed it improper to take any step in regard to the attack while I remained in office. I thought it more just and candid towards Commodore Porter,

to leave the affair to be acted on by my successor, especially as the measure, in connection with others relating to him, might be thought to involve in some degree the propriety of my own conduct.

4. Answer to the fourth: the orders relating to the command of Commodore Porter in the West Indies, from the commencement to its termination, including, of course, that of October last, directing him to return to his station, and that of December, recalling him from it, were given at my instance, and under my immediate inspection. The command was deemed a very important one, requiring great discretion in its execution. The object was the suppression of piracy; but, in stationing a naval force there, I knew that it would attract the attention not of Spain alone, on whom it more immediately bore, but of the new governments, our neighbors, to the south, and in certain respects of several of the powers of Europe, who were neutral in the contest between the belligerent parties. The question whether free ships should make free goods, the extent of contraband of war, the transportation of specie, and other questions of the kind, necessarily occurred, when that force was detached to that station for the special object designated. They had been frequently under the consideration of the administration before, and were brought more pointedly before it on that occasion. My impression is (for I have not a copy of the instructions then given) that they were drawn with great care, and dictated by a desire rather to err (if error should be committed) on the side of moderation, than to risk a variance with any of the parties concerned. These questions were to be settled by treaties, and especially with the new governments, and which required time. My intention was, that the commander of the squadron, and all acting under him, should take nothing on themselves, but confine themselves to the duty specially enjoined on them, and obey strictly their orders.

When informed, in June last, that Commodore Porter had left his station and returned to the United States, I asked the Secretary of the Navy by what authority he had done it—had leave been given him? The reply was, none had been. I then asked, "Did his original instructions authorize him to come home when he thought fit?" I do not recollect the precise answer, or that any such was given to me; but my impression was that they did not. The Secretary had made arrangements for his departure from town, on a visit to his family, and I saw no reason why he should delay it on account of the arrival of Commodore Porter. Nothing material, more, that I recollect, passed between us. I did not see him again before his departure. I reflected much on the subject, and decided, on the next morning, the course which I should pursue in regard to Commodore Porter. I arose early, and sent for Commodore Rodgers, and was informed that he had gone to Norfolk; I then sent for Commodore Chauncey, and, after expressing my deep regret that Commodore Porter should have left his station without leave, which was the only question I made in the case, I told him that the subject merited inquiry, and that, as the Secretary had left town, I could not see him until the Secretary returned, nor until I should, on further and more mature consideration, decide what course should be taken in this case. I requested him to see Commodore Porter without delay, and to prevent his calling on me in the interim; but to do it in the most delicate manner that he could; for, having high respect for his services and merit, and a personal regard for him, I wished to take no step which should wound his feelings, which I should not be compelled to do from a high sense of duty to my country, and an earnest desire to support the credit of the navy. An interview between Commodore Chauncey and Commodore Porter took place, whereby an interview between Commodore Porter and me was prevented.

In conversation with Commodore Rodgers, after his return, and with Commodore Chauncey, who made friendly explanations in regard to Commodore Porter's conduct and views, and in consideration also of his having been wounded in the late war, and an intimation that he then suffered from the wound, I thought myself justifiable, especially as I had given a decisive proof of the sentiments which I entertained of his return from his station without leave, to pass the affair over without further notice, and of which I requested them to inform him. He accordingly called afterwards, and was received with kindness. My desire was, that he should return soon to his command; but I do not recollect that anything was said to that effect by me. I presumed that what had already passed would be a sufficient proof of that desire. His remaining, however, so long in the country, gave me concern, especially as we were repeatedly advised that piracy had revived, and was doing much injury to our commerce. I, however, delayed noticing it for some time, under feelings of the kind stated, and in expectation, also, which I continually indulged, that he would soon depart. I at length requested the Secretary to instruct him to resume his station without delay, and to do it in the John Adams, which the Secretary did. To this, I recollect that the commodore gave a reply which was deemed highly objectionable, and respecting which I had great doubt as to the part, regarding the office I then held, which I ought to take. On great consideration, however, I decided to order him immediately to his post, with intention, that being there, and in rule, to decide afterwards what it would be proper to do in the affair. In taking this course, I yielded to feelings that were favorable to him, and in the hope that his conduct at his station, and towards the government, would be such as to permit the whole affair to be adjusted, or rather to be passed over without injury to the service.

According to my recollection, I drew a sketch of the order in question, or so much of it as to give a distinct idea of what I intended; and certain I am that I saw the letter, that of the twenty-first of October last, before it was sent.

The decision was soon taken, after the affair of Foxardo, to recall Commodore Porter, that, being present, he might explain the circumstances and reason of his conduct. I saw the order and approved it. I do not know that Commodore Porter was acquainted with the fact, further than in speaking of the subject to friends, afterwards, I frequently mentioned it, and that I intended to include that with the other orders, and particularly the order of October preceding, in the letter which I wrote to him, after I retired from office, in reply to his already noticed.

5. I never saw any proof of unkind feelings in the Secretary of the Navy towards Commodore Porter, nor have I any reason to believe that he ever acted under the influence of such. I saw, on the contrary, proof of a different disposition in more instances than one. Having, from the considerations above stated, been very attentive to the conduct of this squadron from the beginning, and indeed to the others in other seas, and prescribed the measures to be taken and orders to be given, after due consideration and consultation with those on whom I had a right to call, I was anxious that my own responsibility, in its full extent, should be known in every instance, and especially to those concerned, before I left office; and it was on that principle that I expressed myself so fully to that effect in my letter to Commodore Porter, in March last. It was on that principle that I deemed it proper to deposit in the Department,

before I left town, the evidence of that correspondence, consisting, according to my recollection, of his letter to me and a copy of my reply.

1st. To the first interrogatory proposed on the part of Commodore Porter, I answer, that I did authorize Commodore Chauncey to see him, and to prevent his calling on me at the time stated, and for the reasons that are particularly and fully explained in my answer to the 4th interrogatory on the part of the United States.

2d. I took the step for the reasons stated in my reply to the 4th interrogatory, above referred to.

3d. To this interrogatory an answer has also been already given in reply to the 4th interrogatory on the part of the United States.

4th. To this interrogatory an answer has likewise been given in reply to the 4th, referred to above. I have thought it better to give a full and connected explanation of the measures taken in the instances in question, and of the considerations on which I acted, in reply to one interrogatory, which embraced several, than in detail, in reply to each.

5th. When the account of the attack on Foxardo was received, much remark was made on it, and, with others, that of the kind suggested. I am inclined to think that I made it myself; but, in that case, to some friends of Commodore Porter, and rather in a confidential way than otherwise, though certainly under no injunction to that effect. I probably mentioned it to others, in the same spirit, and particularly to the members of the administration, or to some of them. The answers already given to the other interrogatories, and particularly to the 4th, on the part of the United States, and the documents referred to in them, will explain the cause to which such an idea is to be attributed, which, however, was merely incidental and casual. I do not recollect receiving any letter suggesting that idea, nor do I believe that I did, though it is possible that I might.

6th. To this interrogatory an answer has already been given.

7th. To this, also, an answer has been given.

8th. The correspondence was deposited in the Navy Department, as a document relating to my public conduct in an occurrence interesting to others, as well as to the public, to be used only for public purposes, should such present themselves, to make the use thereof proper and necessary. I readily admit that Commodore Porter did not ask the interview for any purpose other than that stated in his reply to my letter; but still I thought it more consistent with the part I had acted in that affair, and with what I owed to him, as well as to others, to decline the interview, to state to him the part I had acted in the concerns in question, and to deposit the evidence thereof, for the purpose stated, in the Department, while I was at Washington.

9th. I had never seen Commodore Porter, after the date of his letter to me of October 26th, nor made to him any communication by letter, and therefore do not know that he was apprised of the particular interest which I had taken, and of the part I had acted, in regard to the letter from the Secretary of the Navy to him, of October last, referred to in this interrogatory. The subject being delicate, and interesting in many views, I never spoke of it but in a guarded manner, unless to friends, and among them some whom I knew to be his friends also, and with a view to produce a good effect in relation to the interests and parties above referred to.

JAMES MONROE.

Virginia, Loudon County, sct.:

This day, James Monroe personally appeared before me, John Bayly, a magistrate of the said county, and made oath that the facts stated in his several answers contained in this sheet marked (3), and two other sheets, one of which is marked (1) and the other (2), are true, to the best of his knowledge and belief.

Given under my hand and seal this 25th day of July, in the year 1825.

J. BAYLY. [L. S.]

No. 1. (No. 26.)

Captain Porter presents his respects to Mr. Monroe, and asks (if agreeable) when he may have the honor to pay his respects to him?

This request would have been made at an early period but for the recent changes in the government, which have no doubt fully occupied the Executive, and but for the hope entertained by Captain Porter that, ere this, he would have been afforded an opportunity of explaining his conduct, and be able to present himself to Mr. Monroe, free from censure. The desire of paying his respects and taking his leave of his late chief magistrate, and, as he has had reason to believe, friend, has overcome all other considerations.

MARCH 10, 1825.

I certify the foregoing to be a true copy from the original in this department.

CHAS. HAYS, *Chief Clerk.*

NAVY DEPARTMENT, *July* 6, 1825.

[This is the letter referred to in my answer to the first interrogatory on the part of the United States.]

JAMES MONROE.

(No. 27.)

WASHINGTON, *March* 12, 1825.

SIR: I received your note of the 10th in the spirit in which it was written, that of kind feeling for one under whom you have acted for the last eight years, and who has now retired to private life. I

should most willingly meet you, and receive the explanations which you are disposed to give, but for reasons which I will frankly communicate to you.

All the orders which were given you, relative to your command in the West Indies, were given by the Secretary of the Navy, at my instance, and under my inspection. They were dictated by a sense of duty to my country, and with no unkind feelings towards you. Your letter of the 26th of October, 1824, to me, from New Castle, was received shortly after its date, and to which I deemed it improper to give any reply. It has become the duty of my successor to examine and decide on that important subject, in all its parts, in the manner which shall appear to him most proper. In this stage, although retired to private life, I do not think that I ought to interfere, or to receive any explanations relative to transactions in which our country is interested, over which another has control, and in which I have no concern.

Holding in high estimation your gallantry and patriotism,

I beg you to be assured of my good wishes for your welfare, and that of your family,

(Signed) JAMES MONROE.

(No. 28.)

MERIDIAN HILL, *March* 12, 1825.

RESPECTED SIR: I have received your highly esteemed letter of this day, and feel much gratified at the friendly sentiments and assurances it expresses. I can only beg leave to assure you that you will carry with you, in your retirement, the best wishes of a grateful and affectionate heart.

I regret to observe that you are under wrong impressions as to the object of my note. Nothing was further from my wishes or intentions than to make any explanations, or touch on any subject of an unpleasant nature to you. I should have made the request to see you at an earlier period, but for the most scrupulous delicacy, not wishing it for an instant to be believed by any one that I sought protection, or to give the slightest grounds for such belief. I feel confident of the correctness of my conduct throughout, and am satisfied that the Executive will approve it, when I shall have an opportunity of explaining.

My visit to you was intended as one of pure personal respect, and unconnected with any considerations of a selfish nature, only so far as my feelings were concerned; I was not certain whether it would be acceptable, and, desirous of guarding against anything disagreeable to you, I thought it advisable to address you a note.

The circumstances which caused me to address you from New Castle I regret most sincerely, and I do assure you that it would give me more pleasure to learn that I was in error, than to believe that my impressions at the time of writing were correct. The serious charge brought against me, and the consequence of it, I did not think I merited. The very circumstance of claiming your protection, was of itself an evidence that I did not think you actuated by any unfriendly feelings towards me; but I did think you were under wrong impressions, which caused me to enclose you the copy of a letter which I was charged with having neglected to write.

I hope at some future period I shall have an opportunity to assure you, in person, of the high respect and consideration with which I have ever held your exalted character and virtues.

With sentiments of the utmost respect, your obedient servant,

D. PORTER.

MR. MONROE.

I certify the foregoing to be true copies from the original on file in this Department.

CHAS. HAY, *Chief Clerk.*

NAVY DEPARTMENT, *July* 6, 1825.

(No. 29.)

NAVY DEPARTMENT, *October* 21, 1824.

SIR: Your letter dated the 19th inst. has created surprise. Looking to the good of the service, every attention has been shown to you which your station required, and which could be dictated by a just estimation of your public service.

The command which was given to you, at your earnest request, on the 1st of February, 1823, was a highly important one. Your conduct in discharge of its duties, satisfactory to the President. The interval since you left that station has been interesting, and it is understood that piracy has revived, and is making extensive ravages on our commerce.

Communications have been made to you, to apprise you fully of this fact. The presence, there, of an officer of rank and experience is, of course, necessary. The size of the vessel in which he sails is matter of small moment, and must depend upon circumstances. You are aware of the intention to send the Constellation to that station as soon as she can conveniently be prepared.

Your return to this place without permission, or apprising the Department of a necessity for it, was unexpected; but no complaint has heretofore been made of your remaining here, because it was believed that your health was not perfectly good, and your shoulder lame and painful.

But this obstactle has been removed; and had you earlier apprised the Department that you considered this place within the limits of your station, that the command has ceased to be pleasant to you, and that you were apprehensive of the climate, you would have been relieved, and a successor appointed. But having failed to give this information, and the presence of a commander on the station being now indispensable, you will proceed to it.

When it is convenient to the Department, your wish to be relieved shall be gratified. Upon a reperusal of your orders, you will find that no intimation is given that Thompson's Island alone is to be

considered as the station and that you are to remain stationary there, nor that you are to lead in person every expedition fitted out from it.

I purposely abstain from comment upon certain matters in your letter. You will hereafter hear from the Department on this subject.

I am, very respectfully, &c.,

(Signed) SAM'L L. SOUTHARD.

Com. DAVID PORTER, *commanding U. S. Naval Forces, West Indies, &c. Present.*

I certify the foregoing is a true copy from the original on file in this Department.

CHAS. HAY, *Chief Clerk.*

NAVY DEPARTMENT, *July* 6, 1825.

(No. 30.)

NAVY DEPARTMENT, *August* 19, 1823.

SIR: In the last paragraph of your letter, dated the 1st inst., by the United States schooner Ferret, you mention that circumstances will, towards the fall, render your return to the United States for a short period necessary; you will please to avail yourself of the time most suitable for this purpose, and return to the United States in the manner most convenient to yourself and least prejudicial to the interests of the service.

I am, very respectfully, &c.,

(Signed) SMITH THOMPSON.

Com. DAVID PORTER, *commanding U. S. Naval Forces, West Indies, &c.*

I certify the above to be a true copy from the records of this Department.

CHAS. HAY, *Chief Clerk.*

NAVY DEPARTMENT, *July* 29, 1825.

(No. 31.)

NAVY DEPARTMENT, *September* 29, 1824.

MY DEAR SIR: This letter will be handed to you by Commodore Rodgers. The object of his visit to Thompson's Island will be fully communicated to you by him. The various, and in many points contradictory reports respecting the condition of the station, the uncertainty whether you still live, the deepest anxiety for your safety, the desire to furnish speedy relief, and acquire full information respecting the health of the station, and its fitness as a rendezvous during the sickly season, and the fear that, debilitated as you are, you could not secure that information for us, have prompted the wish that Commodore Rodgers should undertake the expedition, and have induced him cheerfully and voluntarily to enter on its performance.

He will find united in it the sacred offices of private friendship and public duty. A report that your health is restored, will give to me individually, and to the nation at large, most sincere gratification.

I am, very respectfully, &c.,

SAM'L L. SOUTHARD.

Capt. DAVID PORTER, *commanding U. S. Naval Forces, West Indies, Gulf of Mexico.*

I do certify the above to be a true copy from the records of this Department.

CHAS. HAY, *Chief Clerk.*

NAVY DEPARTMENT, *July* 28, 1825.

(No. 32.)

Extract of a letter from the Hon. Secretary of the Navy, dated—

SEPTEMBER, 30, 1823.

The uncertainty and anxiety which prevail as to your own health, and the health of the squadron, and a desire to furnish the best assistance and procure information which may be a safe guide on all future occasions, are the inducements to this measure.

The orders of Commodore Rodgers will be communicated to you on his arrival, and you will render all the aid which your health will permit, in accomplishing the object of his visit. It is intended that you shall remain in command of the station or return home, as your health may require and your inclination prompt. Commodore Rodgers will return immediately after he shall have accomplished the object of his visit.

(No. 33.)

Copy of a letter from Com. Isaac Chauncey, acting for the Secretary of the Navy, to Com. Porter, dated October 28, 1823.

NAVY DEPARTMENT, *October* 28, 1823.

SIR: Your letter of the 27th instant has been received. On your recovery from a dangerous illness, produced by great exposure and much suffering, you will be pleased, sir, to accept my sincere congratulations.

In conducting the movements of the squadron entrusted to your charge, you have displayed that intelligence, promptitude and vigor which effectually arrested the depredations of the freebooters, have afforded security to our trade, and justly entitled you to the unqualified approbation of this Department and to the thanks of your country.

The conduct of the officers and men under your command has been such as might have been expected from the example of their chief; and you will be pleased, sir, to assure them of the consideration in which their services are held, and the high sense entertained of their devotion to a most arduous and dangerous service.

The want of medical aid, of which you so justly complain, will claim the early and special attention of this Department.

If the state of your health will permit, you will take upon yourself the general superintending direction of the equipment of the vessels of your squadron, now at this yard and at Norfolk. Let their commanders report to you their wants, that you may make them known to the Board of Navy Commissioners, who will cause every requisite supply to be furnished.

I am, very respectfully, &c.,
For the Secretary of the Navy,
(Signed) I. CHAUNCEY.

DAVID PORTER, Esq., *commanding a Squadron of Ships and Vessels stationed in the West Indies and Gulf of Mexico.*

I certify the above to be a true copy from the records of this Department.
CHAS. HAY, *Chief Clerk.*

NAVY DEPARTMENT, *July* 29, 1825.

(No. 34.)

Extract of a letter from Commodore Porter to the honorable Secretary of the Navy, dated—

NOVEMBER 19, 1823.

Should the gradual withdrawal of the small vessels take place, I beg leave to suggest that a frigate, in addition to the two sloops of war now attached to the squadron, is due to the character of our service, to the respectability of our flag in that quarter of the world, and would, by the convenience she would afford to our open boats in the pursuit of pirates, offer the most certain means of keeping them in check.

(No. 35.)

Extract of a letter of instructions from the honorable Secretary of the Navy, dated—

DECEMBER, 1823.

It is the intention of the Department to increase the force under your command as soon as it can be effected. To this end, the frigate Congress will, after her arrival in the United States, be ordered to join you: and, in the course of the spring, one or more sloops of war will be added to those already with you.

(No. 36.)

NAVY DEPARTMENT, *May* 17, 1824.

SIR: Congress has not, until within a few days, passed an appropriation law for the current year. This will account to you for one or two of the drafts of Purser Thornton not having been honored, and for the delay in preparing the vessel to join you. It was impossible, without funds, to fit out the Hornet or the Porpoise, and to prepare a larger vessel. There will be now as much activity as possible, but it is feared one cannot be prepared in time to reach you before the sickly season commences. It shall however be done if possible.

Upon a call by resolution, the proceedings of the court-martial which tried Lieutenant Kennon have been sent to Congress, and they will be published in a few days.

I am, very respectfully, &c.,
(Signed) SAM'L L. SOUTHARD.

Com. DAVID PORTER, *Thompson's Island.*

(No. 37.)

SEA GULL, *Matanzas, May* 28, 1824.

SIR: I regret to be under the necessity of informing you that the fever has made its appearance on the island, and that the inability of the acting surgeon's mate in charge of the medical department there to attend to his duty from sickness, renders his return to the north necessary. I have sent another to take his place, but this leaves us deplorably off for medical men.

I purpose removing the principal part of the forces to the north, about the middle of next month, as the only means of guarding against the consequences of a deficiency of surgeons.

I have the honor to be, with great respect, your obedient servant,

(Signed) D. PORTER.

Honorable SAMUEL L. SOUTHARD, *Secretary of the Navy.*

I certify the foregoing to be a true copy of the original on file in this Department.

CHAS. HAY, *Chief Clerk.*

NAVY DEPARTMENT, *July* 6, 1825.

(No. 38.)

NAVY DEPARTMENT, *May* 31, 1824.

SIR: Your letter of the 4th of May has been received. The Decoy will be prepared to return to you as speedily as possible. No provision has been made for the repairs of the Grayhound, and it is probable that she will be laid up or sold. When any vessels are ordered home for repairs, they must be reported to the Department, that orders may be issued for the purpose.

The amount of force at this time, on the station, is less than was intended; but the delay in passing the appropriation law has rendered it impossible to send to you either the Hornet or the Porpoise. They will both be dispatched now, as soon as they can be prepared. This delay is the more to be regretted, as the Hornet must either encounter the rainy season, or not go to the coast of Africa, as was originally designed. You have now under your command the John Adams, Hornet, Spark, Porpoise, Shark, Sea Gull, Decoy, and seven small schooners, in all fourteen vessels, exclusive of the barges. I did intend to send a larger vessel than any of them, but the amount of the appropriation and the time it was made, will probably put it out of my power. It shall still, however, be done, if it can be accomplished. I regret the state of your medical aid; you have now eleven medical officers attached to the station; and within ten months past, there have been under your command no less than five surgeons and seventeen surgeons' mates, many of them acting as surgeons and fitted for the office. With such numbers your medical assistance ought not to have been so reduced as you state it to be at present. Neither these nor other officers must be permitted to leave the station for light excuses; if they are, it will be impossible for the Department to keep the station supplied. All that can be done with the numbers for which provision is made by law, will be done. In the meantime, those with you must be retained, unless absolute necessity compels them to leave you.

I am, very respectfully, &c.,

(Signed) SAMUEL L. SOUTHARD.

Com. DAVID PORTER, *West Indies.*

(No. 39.)

WASHINGTON, *June* 25, 1824.

SIR: I have the honor to inform you that I arrived here yesterday in the Sea Gull, from the coast of Cuba, in nine days, and shall be prepared to return to the West Indies so soon as the season will render it safe to do so, and my health, which requires a respite from the effects of a tropical climate, will admit.

My former communications have apprised you of my intention of removing most of the vessels under my command to the north during the sickly season. Orders have been given by me on the subject, and every arrangement made to give as much protection to our commerce, as the force remaining on the station will admit.

I had purposed sailing from New York, and visiting, in my way out, as heretofore, the windward islands, so soon as I can get a sufficient force together, and leaving a small detachment in the neighborhood of St. Thomas, for the protection of our commerce there, where it was asked for by our merchants when I last visited that place.

The John Adams, it is probable, will require heaving out on her return, which will be in a week or two, which will leave me with only one sloop-of-war.

As the health of Captain Wilkinson required his return, I have left Lieut. Oellers in command at Thompson's Island, with full instructions as to the duties to be performed there; and I have left all necessary orders also for the commanders of such vessels as may arrive during my absence.

The island promises to be healthy this season. I have left about sixty officers and men there, but I am sorry to say I had only a surgeon's mate to leave to attend them during the sickly season.

I have during this season greatly improved the comfort and condition of the island, and thereby lessened that repugnance to remaining there which formerly existed among both officers and men.

I shall proceed to New York in a few days, to hasten the dispatch of the stores for the squadron and island which are preparing there, and which are much required.

If there are any instructions from the Department affecting my various duties, I shall be happy to be furnished with them as early as possible.

I have the honor to be, sir, your obedient servant,

(Signed) DAVID PORTER.

Hon. SAMUEL L. SOUTHARD.

I certify that the foregoing is a true copy from the original on file in this Department.

CHAS. HAY, *Chief Clerk.*

NAVY DEPARTMENT, *July* 6, 1825.

(No. 40.)

NAVY DEPARTMENT, *June* 29, 1824.

SIR: I have the honor to transmit to you herewith copies of letters bearing date the 23d of April, 15th, 17th, 24th, and two of the 31st May, 1824, addressed to you at Thompson's Island, which it is presumed you have not received, and to which I beg leave to call your attention.

Should I find, upon further examination, any more which possibly may not have been transmitted in time to reach you, copies shall be immediately furnished.

I am, very respectfully, &c.,

(Signed) CHARLES HAY, *for the Secretary of the Navy.*

Commodore D. PORTER, *commanding West India Squadron. Present.*

I certify that the foregoing is a true copy from the original on file in this Department.

CHAS. HAY, *Chief Clerk.*

NAVY DEPARTMENT, *July* 6, 1825.

(No. 41.)

Copy of a letter from Commodore David Porter to the Hon. Secretary of the Navy, dated—

WASHINGTON, *August* 11, 1824.

SIR: Understanding it to be the intention of the government to give me a ship suited to my rank in the service, I have ordered the John Adams to proceed to the West Indies, and thence to the Gulf of Mexico, for the protection of our commerce, where her services are much wanted. Should a frigate be selected, I beg leave to state that it will be most agreeable to me that there should be no commander appointed to her, as I should wish the particular and personal command to be vested in myself alone.

I also beg leave to observe that a flag or fleet captain to the squadron may be dispensed with, if I can be allowed to select an intelligent lieutenant to relieve me from many of the details of the squadron; for the present the services of Captain Finch are necessary to me, but I shall not want him long, and it is his wish to retire from the situation so soon as I can otherwise provide myself.

I shall be glad to be apprised as early as possible of the ship intended for me, that I may give my personal attention to our outfits.

I have the honor to be, with great respect, your obedient servant,

(Signed) D. PORTER.

(No. 42.)

Extract of a letter from Charles Hay, Esq., to Captain D. Porter, dated—

GEORGETOWN, D. C., *September* 11, 1824.

I have heard from the Secretary, who has ordered the Constellation to be fitted for you, and authorized me to tell you so. But as she is not officially ordered to you as yet, I would not interfere with her. However, of this you are the best judge. Your letters about money have been received, and will be submitted to the Secretary on his return; in the meantime, Thornton can supply you with what is necessary. The Secretary is *very anxious* that you should be out again, with as little delay as possible, and will, no doubt, facilitate your preparatory operations.

Your friend and obedient servant,

(Signed) CHAS. HAY.

Captain D. PORTER, *Chester, Pennsylvania.*

(No. 43.)

NAVY DEPARTMENT, *October* 14, 1824.

SIR: It is deemed expedient by the Executive that you proceed as speedily as possible to your station, in the John Adams, that by your presence there the most efficient protection may be afforded to our commerce, and you may be ready to meet any contingencies which occur.

The Constellation will be fitted for sea, and sent to you as speedily as possible.

I enclose, by the order of the President, an extract of a letter lately received from the Island of Cuba; you will consider it confidential, and to be used for your information, so far as you may find it useful.

With the Constellation, directions will be sent for you to proceed to the Island of Hayti, there to acomplish certain objects which will be particularly explained to you, and instructions given.

I enclose a circular letter on the subject of acting appointments, to which I urge your particular attention. No subject has been found to create greater difficulties than acting appointments, and permission to officers to perform duties above the grades in which they are known to the Department.

I also enclose certain directions for the survey of Pensacola, Tampa Bay, Key West, and the Dry Tortugas.

I have also directed to report to you, for the purpose of aiding in the survey, Master Commandant ——— ———, Lieutenant J. W. Sherbourne, Midshipman Lewis M. Goldsborough, and Joseph Bowman. Should you deem the services of any other officers necessary for this purpose, you will inform me of it. You will direct the vessel to be used for this purpose. The Florida will be detained for a few weeks, to make a survey of Charleston harbor, after which, she will be ordered to proceed forthwith to join your command.

I am, respectfully,
(Signed) SAM'L L. SOUTHARD.

Com. DAVID PORTER, *commanding U. S. Squadron, West Indies, &c., Washington.*

I certify that the foregoing is a true copy from the original on file in this Department.
CHAS. HAY, *Chief Clerk.*

NAVY DEPARTMENT, *July* 6, 1825.

AN EXPOSITION OF THE FACTS AND CIRCUMSTANCES WHICH JUSTIFIED THE EXPEDITION TO FOXARDO, AND THE CONSEQUENCES THEREOF; TOGETHER WITH THE PROCEEDINGS OF THE COURT OF INQUIRY THEREON.

WASHINGTON, *March* 1, 1825.

SIR: I have the honor to inform you, that, in obedience to your orders, I have come to this place, and I now await your further directions.

With the greatest respect, your obedient servant,
(Signed) D. PORTER.

Hon. SAMUEL L. SOUTHARD.

WASHINGTON, *March* 2, 1825.

SIR: Having this day seen in print several letters from Mr. Thomas Randall and Mr. John Mountain, communicated through the State Department to Congress, and highly injurious to the character of myself and other officers belonging to the West India squadron, I have to request that an inquiry may be instituted, to ascertain how far facts will justify their statements and remarks, and the injurious remarks they have elicited on the floor of Congress.

I have the honor to be, with great respect, your obedient servant,
(Signed) D. PORTER.

Hon. SAMUEL L. SOUTHARD.

WASHINGTON, *March* 8, 1825.

SIR: The officers named in the enclosed list will be necessary, as witnesses, to enable me to repel, in a suitable manner, the foul charges of Mr. Thomas Randall and Mr. John Mountain, and the injurious insinuations and assertions on the floor of Congress, against myself and the officers under my command.

Understanding that vessels having some of them on board are about sailing, I beg that they may be detained, provided it can be done without injury to the public service.

I have the honor to be, your obedient servant,
(Signed) D. PORTER.

Hon. SAMUEL L. SOUTHARD.

Captains.—Stephen Cassin, Alex. Dallas, Wm. B. Finch, L. Kearney, T. H. Stevens.

Lieutenants.—C. W. Skinner, J. T. Newton, F. A. Gregory, Silas Duncan, J. P. Zantzinger, ——— Bell, C. Boardman, R. Vorhees, C. R. Stribling, D. G. Farragut, J. G. Baughan, F. A. Thornton, purser.

WASHINGTON, *March* 16, 1824.

SIR: It is now sixteen days since I had the honor to report to you my arrival here, in obedience to your order of the 27th December, and I have anxiously since awaited your further instructions.

I am aware, sir, of the interruptions the recent changes in government and other circumstances have occasioned to the transactions of public business, and however irksome and uncertain may be my present situation, and whatever anxiety I may feel on the occasion, it is not my wish to press on the Department my own affairs, in preference to those of greater importance. I cannot, however, help requesting that

there may be as little delay in the investigation of my conduct, both as regards the affair of Foxardo, and the statements of Mr. Randall and Mr. Mountain, as is consistent with the public interests.

The state of ignorance and uncertainty in which I have been kept, as to the intentions of the government, and the desire of vindicating myself to the government and the public, and relieving myself from a species of suspension and supposed condemnation, must be my apology for now troubling you.

Officers continue to make to me their reports, and to request of me orders. Not knowing whether the Department still considers me in command of the West India squadron, I have been at a loss how to act. Will you be pleased to instruct me on the subject?

I have the honor to be, with great respect, your obedient servant,
(Signed) D. PORTER.

Hon. SAMUEL L. SOUTHARD.

NAVY DEPARTMENT, *March* 16, 1825.

SIR: It has become my duty to apprise you of the determination of the Executive, that a court of inquiry will be formed, as soon as circumstances will permit, to examine into the occurrence at Foxardo, which was the occasion of your recall, and also to comply with the request contained in your letter of the 8th instant.

It was the intention of the Department, in ordering Captain Warrington to the West Indies, to relieve you from the command of the squadron there.

I am, respectfully, &c.,
(Signed) SAM'L L. SOUTHARD.

Commodore DAVID PORTER, *U. S. Navy, present.*

WASHINGTON, *April* 13, 1825.

SIR: I hope it will not be considered obtrusive in me to remind you of the extremely unpleasant situation in which your orders of the 27th of December have placed me. You will recollect, no doubt, that they required me to repair to this place, *without unnecessary delay*, to explain my conduct in relation to the Foxardo affair. From this positive injunction, they deprived me of the opportunity, without taking on myself great responsibility, of obtaining, by personal application, the written testimony necessary in the case; not knowing the cause which influenced you in urging my recall so speedily, and not wishing to have unnecessary delay ascribed to any wish on my part, the day of my arrival here, (the 1st of March) I reported to you my attendance on your further orders. No notice being paid to this report, after an interview had with the President, I again addressed you at his suggestion, on the 16th of the same month, and on the same day I received your letter, apprising me that, by the determination of the Executive, a court of inquiry would be formed to examine into the occurrence at Foxardo, as well as the charges of Mr. Randall, so soon as circumstances will permit.

Since that time I have waited patiently your convenience, regardless of the anxiety and importunity of my friends, not wishing to press my business on you to the exclusion of matters which might now appear to you of more importance to the public interest than the investigation of my conduct in the Foxardo affair, or the charges against myself and others, as contained in Mr. Randall's statements. I must beg leave to observe to you, however, that the manner of my recall proves that, at the time your order of the 27th December was issued, the investigation of the affair which caused it was considered of great national importance, and a note subsequently received from Mr. Monroe not only confirms this belief, but proves that he still thought so, after he had gone out of office. I must also beg leave to observe that, whatever opinion may be entertained now, the punishment to me is none the less on acconnt of the change, if any change has taken place. The affair of Foxardo was the occasion of my recal—the affair of Foxardo was the occasion of my being displaced from my command—it is that affair which now keeps me suspended from the exercise of my official functions—it was that which caused you to pronounce censure on me, to punish and degrade me, before any complaint against me, before trial, and before I was called on for an explanation.

If, sir, opinion is changed; if, by information since received from other quarters, you have been induced to believe that the public interests do not require so much haste in the investigation as you at first supposed, it would seem but just that my own anxieties, and the anxieties of those whose peace of mind I regard, and good opinion I highly respect, should be relieved by some intimation of your intentions with regard to me—that there should be, in fact, some relaxation in the severity of the course adopted towards me.

It is with reluctance that I trouble you with any complaint whatever; but I feel that I should neither do my duty to myself, to what I owe to others, and indeed to the service to which I belong, if, by a longer silence, I gave reason to believe that I acquiesced in a course of conduct towards me, which, when a full investigation takes place, and all the facts are known, few, I think, will acknowledge it founded on justice.

The Executive, it appears, has decided that a court of inquiry shall be ordered to investigate my conduct. Why then deprive me of the opportunity of making my explanation, by delaying the execution of the Executive will? Upwards of six weeks have elapsed since I reported my arrival here, and, as yet, I only know the determination of the Executive.

The time when, the place where, and by whom the investigation is to be made, are unknown to me. No definite period is fixed on for the holding of the court, and I therefore most respectfully ask, what is your determination with respect to me? that I may know what course of conduct it would be proper for me to pursue.

I have the honor to be, your obedient servant,
(Signed) D. PORTER.

Hon. SAM'L L. SOUTHARD.

NAVY DEPARTMENT, *April* 20, 1825.

SIR: Enclosed you will receive a copy of the precept which has been issued for a court to make the inquiry, instituted by the Executive, into your conduct at Foxardo. You will perceive that the same court is also directed to make the inquiry which has been granted at your own request.

In your letter of the 13th instant, which has been received, it created some surprise to find the declaration, that the "positive injunction" in the letter from the Department of the 27th December, 1824, to "proceed, without unnecessary delay, to this place," "deprived you of the opportunity, without taking on yourself great responsibility, of obtaining, by personal application, the written testimony necessary in the case." By referring to that letter, you will find that you are expressly charged to "bring with you those officers whose testimony is necessary, particularly Lieut. Platt; and such written evidence as you may suppose useful" for the "full investigation" which it was declared the importance of the transaction demanded.*

No change has taken place in the views of the Executive, either as to the necessity or character of the investigation, and any delay which has occurred in proceeding with it must be attributed to other causes.

In relation to that part of your letter, in which you say, "the affair at Foxardo was the occasion of my recall; the affair at Foxardo was the occasion of my being displaced from my command; it is that affair which now keeps me suspended from the exercise of my official functions," it is proper to remark, that although that affair was the immediate cause of your recall, yet you are not ignorant that it was the purpose of the Department to recall you from that command, for other reasons, as soon as it was found convenient to substitute a competent officer in your place,† a purpose only prevented by this transaction, which intervened previously to its execution.

No other notice of the style and manner of your letter is deemed necessary, at this time, than to remind you of the relation which subsists between you and the Department.

I am, very respectfully, sir, your most obedient servant,

(Signed) SAM'L L. SOUTHARD.

Com. DAVID PORTER, *U. S. Navy. Present.*

A.

To Isaac Chauncey, Esq., captain in the navy of the United States:

It having been made to appear to the President of the United States that, on or about the fourteenth day of November, in the year of our Lord one thousand eight hundred and twenty-four, David Porter, Esq., a captain in the navy of the United States, then in command of the naval forces of the United States in the West Indies and Gulf of Mexico, did, with a part of the military force under his command, forcibly land upon the Island of Porto Rico, a part of the dominions of his Catholic Majesty the King of Spain, then and still at peace and in amity with the Government of the United States, and did then and there commit acts of hostility within the territories, and against the subjects, of the said King of Spain:

The President of the United States has deemed an inquiry into the conduct of the said David Porter on that occasion, as well as into the causes which led to the same, to be necessary and proper.

And, whereas, certain representations have been made to the Government of the United States in regard to the employment of the naval forces of the United States in the West Indies and Gulf of Mexico, setting forth in substance that, in the year one thousand eight hundred and twenty-four, the said naval forces were not employed in the suppression of piracy in the most effective manner, but were employed in the transportation of specie and of other objects of inferior moment, to the neglect of the public interests; and the said David Porter considering his conduct and character as the commander of said forces to be thereby implicated, has requested of this Department that inquiry be made into the truth of said representations:

The President of the United States, in consideration of the premises, has charged me to convene a court of inquiry for the purpose of examining into the matter aforesaid. You are therefore hereby ordered to proceed to the Navy yard at the city of Washington, on or before the second day of May next, to act as a member of the said court, and to officiate as the president thereof.

Orders are also transmitted to Captain William M. Crane and Captain George C. Reed to appear at the time and place aforesaid, and Richard S. Coxe, Esquire, is also appointed judge advocate, and will report himself to you in that capacity at the time and place aforesaid.

And the said court is hereby required to convene and organize at the said Navy yard at Washington, on the said second day of May, and is authorized and directed to summon before it such persons as may be deemed necessary to give information touching the matters aforesaid; and it is also empowered, authorized and directed, diligently and strictly to inquire into the said matters, to make a statement of the facts in relation to the same as they shall appear to the court, and particularly to examine into and report the causes which led to the conduct of the said David Porter at the Island of Porto Rico, before mentioned, and to ascertain and report whether the naval forces of the United States were employed in the most effective manner in the suppression of piracy, or in objects of inferior moment to the neglect of the public interests; all of which you will transmit to this Department, to be submitted to the President of the United States for his consideration.

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* Those acquainted with the geography of the West Indies, need not be informed that it requires more time to go from Thompson's Island, where the Secretary's orders found me, to St. Thomas, where Lieut. Platt was, and where the documents were to be obtained, than to come from Thompson's Island to the United States. The public, therefore, will be able to judge whether I should have been justified by the Secretary's orders *in obtaining, by personal application, the written testimony necessary in the case.* D. P.

† On the 19th of October, 1824, while at Washington, before going to the West Indies, I requested, for various reasons, among others ill health, and apprehension of a West India climate, that the Secretary would order me to be *relieved* from the command of the squadron. The Secretary, in his reply to this application of the 21st, informs me that if I had made my application earlier I should have been *relieved*, and a *successor* appointed, but having failed to do so, and the presence of a commander on the station being indispensable, I was ordered to proceed. "When it is convenient to the Department," (says the Secretary,) "your wish to be relieved shall be gratified." It is to this intimation the Secretary alludes, when he reminds me of the *purpose* of the Department to *recall* me. D. P.

And for your so doing, this shall be to you and to all concerned a sufficient warrant.

Given under my hand, and the seal of the Navy Department of the United States, at the city of Washington, this nineteenth day of April, in the year of our Lord one thousand eight hundred and twenty-five, and of the independence of the United States the forty-ninth.

(Signed) SAM'L L. SOUTHARD. [L. S.]

Minutes of the proceedings of a court of inquiry directed to investigate the conduct of David Porter, Esquire, a captain in the navy of the United States, convened at the Navy yard at the city of Washington, this second day of May, in the year one thousand eight hundred and twenty-five, in obedience to the precept of the honorable the Secretary of the Navy, bearing date the 19th day of April, 1825—which is hereunto annexed and marked (A.)

Captain Isaac Chauncey, appointed in and by the said precept as president of said court, and Captains William M. Craine and George C. Reed, members thereof, and Richard S. Coxe, judge advocate, appeared.

Captain David Porter also appeared, and being asked whether he had any objection to offer against either of the members of the court, replied that he had no specific objection to individuals, but he objected to the materials of which the court was composed: and stated further, that he had some remarks to make on the subject, as well as on the precept; that he did not think the court was legally formed. The oath prescribed by law in such case was administered by the judge advocate to the president and members of the court—and the president administered to the judge advocate the oath required by law to be taken by him.

Captain Porter then submitted, and read to the court, a paper containing certain remarks upon the precept by the authority of which the court had been convened, which was annexed to the record, and marked (B.) The room being cleared, the court proceeded maturely to deliberate on the same; after some time it was opened, and the judge advocate informed Captain Porter that he had been instructed to read to him a letter which had been addressed by the judge advocate, by the directions of the court, to the Secretary of the Navy, by which he would be apprised of the course which the court had taken with regard to the paper submitted by him—which letter was read, annexed, and marked (C.)

The court then adjourned till to-morrow morning at 11 o'clock.

TUESDAY, *May* 3.

The court met pursuant to adjournment of yesterday. Present: as before.

The judge advocate submitted and read to the court a communication from the honorable the Secretary of the Navy, in answer to the letter yesterday addressed to him, which was annexed to the record and marked (D.)

The judge advocate then submitted and read to the court certified copies from the Navy Department, of certain papers, annexed to the record and marked (Nos. 1, 2, 3, 4, 5, and 6.)

Charles T. Platt, a lieutenant in the navy of the United States, being duly sworn according to law, deposes and says:

On the 24th October last, as I believe, about 7 o'clock in the morning, I received a communication from Messrs. Cabot, Baily & Co., commercial agents at St. Thomas, informing me that their store had been forcibly entered the preceding night, and robbed of goods to the amount of not less than five thousand dollars. I commanded the Beagle, then at St. Thomas. With this communication I received also a request from Messrs. Cabot & Baily, to assist in recovering the goods. I went on shore and called on them, and there learned from merchants who had been previously robbed at the same place, that they had good reason for supposing that these goods had been taken to Foxardo, or in that neighborhood. I lost no time in getting my vessel ready for sea; took with me a pilot furnished from the shore, and a clerk of Messrs. Cabot & Baily, with a description of the goods that had been stolen. On the evening of the 26th, about 6 o'clock, I anchored with my colors flying in the harbor of Foxardo. It was then so late that the pilot did not think it prudent to go on shore, or was not capable of showing me the way. Early the next morning, (the 27th) a boat came alongside with a message from the captain of the port, who said he would be happy to see me on shore. I inquired whether he was acquainted with the character of the vessel, to which he replied yes: lest he might be mistaken, I directed him to inform the captain of the port it was the United States schooner Beagle, and that I should be on shore as soon as possible. At about half-past six I landed; I was there met by a parcel of ruffians, I could hardly tell what they were. One of them informed me that I could not proceed up to the village. I inquired of him who he was, whether an officer or not; he gave me no satisfaction whatever, but merely repeated that I could not proceed up to the town. I then proceeded on without any interruption whatever; having been advised so to do by some citizens who were there, who informed me these people had no authority to stop me.

Having entered the village, I first went to the captain of the port, having been informed by a gentleman, a citizen of the place, that this was proper. I informed the captain of the port of the object of my visit, and my reasons for appearing in citizen's dress, and after producing the letter addressed to Mr. Campos, he appeared perfectly satisfied with my character, and directed me to call upon the alcalde and inform him. I called on the alcalde, and explained to him my object, and again produced the letter to Mr. Campos. He was perfectly satisfied with my character, and appeared very much pleased that I had taken the precaution to come on shore in citizen's dress. He then stated that he had no doubt he should be able to obtain the goods before night, or ascertain where they were. This conversation was entirely between ourselves, the interpreter only being present—every one else being out of hearing. He said the recovery of the goods would probably be attended with expense. I replied, that if it was necessary to offer a reward for the recovery of the goods, I was authorized to offer one, not to exceed one thousand dollars. I then proposed going round to the different stores, where it was possible these goods might have been deposited, with the police, and examine the goods and see if they corresponded with the samples and descriptions we had. It was supposed that the goods which had been stolen were the only goods of that description in the country. He told me to let that matter rest—

to let him manage the affair. He observed, that as I had very properly taken the precaution to come on shore in citizen's clothes, he thought it advisable to let it rest entirely with him; that if I accompanied him it might excite some suspicion. I accordingly went to a public house and took my breakfast. I received a message from the alcalde, requesting me to call at his office. I was then under the impression that he had made some discoveries in respect to the goods that I was in search of. I went over to his office directly; Lieut. Ritchie and the pilot were with me, to see what the result was. I inquired, on my arrival at the office of the alcalde, whether he had sent for me, and for what purpose. To this the captain of the port replied, in the most provoking and insulting manner, that he had sent for me for the purpose of demanding my register. I informed them that I had previously offered to show my commission, my uniform, and my clothes; that I had no register; that a man-of-war carried none. He then told me, that if I did not produce my register at once, he would imprison me. I then requested permission to go on board my vessel, with any officer they might choose to send with me, and that I would satisfy them of the character of my vessel and of myself. I then stated to them, that the insult which I had received from them was of that nature that it could not be overlooked on my part, and that I should make a formal report of it to Commodore Porter; and lest they might deny that they had arrested and imprisoned me, that I should proceed directly on board my vessel and leave the port. I left the office with the design of returning to my vessel, when I was pursued by soldiers, who took me by the collar, arrested, and brought me back. I then considered myself as a prisoner. After detaining me about an hour under charge of the sentry, with Mr. Ritchie and the pilot, they consented to let me send Mr. Bedford, the clerk who had been sent down by Messrs. Cabot & Bailey, on board the vessel for my commission. I sent him on board, and directed him to bring my commission and uniform, though they did not require the latter. Mr. Bedford returned with them. I put on my uniform and showed them my commission, observing that it was a thing which had never been required of me before. After perhaps fifteen minutes' deliberation on the subject, they pronounced the commission a forgery, and me a damned pirate, and ordered me to be confined in the jail. They called it the King's house, and not knowing what that meant, I thought they were about taking me to the most genteel house in the place. So soon as I approached near enough to discover that it was a guard-house, well calculated to produce the yellow fever or plague, I objected to being confined there, and said I would not be, unless they compelled it by force of arms. In about ten minutes they returned me to the quarters from which they had taken me, and placed me under charge of a sentry.

After my return, I directed the interpreter to inquire what their object was—whether they meant to detain me, or what they wanted. The answer was, they would detain me until they heard from St. John's, as I had produced nothing to satisfy them of my character. I informed them, that what I had already shown them was all that it would be in my power to show them after hearing from St. John's. They informed me I had shown nothing to satisfy them that I was ever ordered to that vessel as a lieutenant commandant. I then requested permission to send on board for my orders; it was granted. I sent on board and got them. After producing my orders, they called a council, detained me till about fifteen minutes before sundown, confined. I was then set at liberty, and ordered to go on board my vessel, which I did, laughed and hissed at by every blackguard in the street. In this way I left the village, went on board my vessel, and got under way.

On the 12th of November, I was standing out of the harbor of St. Thomas, and discovered the John Adams with her broad pendant flying, standing into the harbor. As soon as the commodore came to anchor, I went on board, and reported myself to him, and mentioned the circumstances that had led to my visit to Foxardo, and the treatment I met with there. The commodore replied that a written report was necessary. I informed him it should be done directly; that not expecting him so soon, was the cause why it had not already been made out. The commodore further informed me, that if the circumstances of the case would justify my going there as I did, that he would visit Foxardo, and obtain redress for the insult offered to my person, and to the flag of the United States. I referred the commodore to Mr. Cabot and Mr. Furniss, both commercial agents at that place, who would inform him that robberies of the same kind had been before committed, and the goods stolen traced to Foxardo, or the neighborhood. The commodore directed me to go on shore and request Mr. Cabot to come on board, and at the same time get a pilot. I saw Mr. Cabot, who immediately came on board with me. In the morning the pilot came on board the Beagle, and I immediately got under way, and stood out to the Adams, then under way by order of the commodore. I went on board the commodore and delivered my written report. I was then ordered to go ahead, with the pilot on board the Beagle, and make the best of my way to Foxardo. The wind, however, was light, and we were obliged to lie to, off and on during the night. The next morning at daylight I was hailed, and ordered to proceed again ahead. At about 7 o'clock a boat was sent on board from the commodore for the pilot, and I was directed to proceed on again to the south. At eight, signals were made to follow the motions of the commodore, who was standing in to the land. At nine, we came to anchor under the lee of Passage Island, where we remained until twelve at night, when the Grampus, the Beagle, the barges of the Adams, with as many of the officers and men as could be spared from the vessels, got under way, and proceeded towards the harbor of Foxardo. At 8 o'clock in the morning of the 14th we came to anchor, with the Grampus and Beagle, in the harbor of Foxardo. The barges were officered and manned, and about landing. At this time one of them had been sent to attack a fort on an eminence at the beach. Commodore Porter, at the same time, sent by Lieutenant Stribling a flag of truce to the alcalde of the place. At half-past eight we commenced marching up from the landing to the village, which was about a mile and a half distant. We walked it in about fifteen or twenty minutes. After we arrived within about forty rods of the village, in a few minutes we discovered a field-piece ahead, with a number of men with muskets. Commodore Porter ordered us to halt. About fifteen minutes after we discovered a white flag, which was accompanied by Lieutenant Stribling, the alcalde, the captain of the port, and the interpreter. They professed, when they met the commodore, not to know the object of his visit. The commodore informed them they ought to have known that from the tenor of his note—asked them if they had not confined me after knowing that I was an American officer, and why they had done so. The alcalde admitted he had confined me after knowing I was an American officer, but said that he was not to blame, as he had been forced to do so by others. The commodore informed him that he had nothing to do with any other person; that he was the alcalde and chief magistrate of the place, and that he held him responsible for the insult offered to me, and to the flag—that, as he had the power of confining, he certainly had the power of releasing me. The commodore then informed there was no necessity for any altercation—that the time he had allowed had nearly expired—that there was about five or seven minutes

remaining—that he required of them a suitable apology, such a one as should be dictated, the refusal of which would compel him to resort to force of arms, which should terminate in the final destruction of the village. They acceded to this, and apologized, in the manner the commodore dictated, to the satisfaction of all present. This being done, we proceeded down to the beach. Refreshments were brought down, and we returned to the vessels and got under weigh.

I neglected mentioning the spiking two nine-pounders which guarded the passage by which we marched up. I do not know that they were loaded. There was a battery on the beach, on the eminence, with two cannon. I saw the Spaniards by them with matches; they were training them upon the vessels. The battery was attacked by a barge, and the Spaniards ran without firing. The other barges landed at almost the same time on the beach, within half a mile of the battery. They did not fire at us at all.

The court then adjourned till half-past ten to-morrow morning.

WEDNESDAY, *May* 4.

The court met pursuant to the adjournment of yesterday. Present: as before.

The court resumed the examination of Lieutenant Platt:

Question. Was the store of Messrs. Cabot and Baily in the town or Island of St. Thomas?

Answer. The store of Messrs. Cabot & Baily was in the city of St. Thomas, the dock in the rear of the store.

Ques. Were those gentlemen at the time resident merchants at St. Thomas?

Ans. Yes. Those gentlemen were American citizens, residing at St. Thomas.

Ques. Did any communication pass between yourself and the authorities of St. Thomas, in relation to the alleged robbery?

Ans. No. I had no communication with the authorities at St. Thomas. I understood from Mr. Cabot, and subsequently from the governor, that some had passed between them.

Ques. Did you carry any letter or other document from the Governor or other officer of St. Thomas, or any force furnished from that island?

Ans. No. I carried no paper from any official person at St. Thomas, but a private letter from one of the most respectable merchants there, addressed to Mr. Campos, one of the most respectable merchants at Foxardo.

Ques. What orders had you received from Commodore Porter, which you considered as authorizing the steps you took?

Ans. I had received orders to protect our commerce in every manner which was consistent with the rules of the service. I understood myself as authorized to go on shore at Foxardo, and inform the police of the robbery that had been committed, which was the object I had in view.

Ques. Did the messenger from the captain of the port, or the captain of the port himself, intimate, in your first conversation with them, that they knew the vessel then in port to be an American man-of-war?

Ans. Yes. The captain of the port, in my first interview with him, appeared perfectly satisfied of the fact, and took down the name of the vessel, and the names of myself and officers, and our force.

Ques. In your first interview with the captain of the port, or the alcalde, did you request them to act in the recovery of the property of which you were in search, or did you propose to search for and take the property yourself?

Ans. I requested them to act, to search for the goods, not intending to act myself at all. I afterwards proposed going myself with the police, which they objected to as unnecessary.

Ques. Did Commodore Porter know anything of the transaction at Foxardo, previous to your communication to him?

Ans. No. He did not.

Ques. Do you know whether any communications were made to the authorities at Porto Rico, either by yourself or Commodore Porter, prior the landing of the force at Foxardo?

Ans. I know of none.

Ques. In what boat or vessel did Lieut. Stribling go to Foxardo, and what length of time elapsed between his going with the flag of truce and the landing on the beach?

Ans. Lieut. Stribling went down to Foxardo in the Grampus, and landed about the same time that the men did.

Ques. Where did he receive his instructions from the commodore—at Foxardo, or before your arrival there?

Ans. I do not know.

Ques. How many officers and men were landed? How were they armed? What orders were given by the commodore to the landing party, or to those who remained behind?

Ans. I believe that about two hundred officers and men were landed. I do not know what orders were given to those who remained. I was ordered to land with as many men as I could conveniently, without crowding, carry in the boats. The men were armed with muskets, boarding pikes, cutlasses, and pistols. I heard no other orders given than that, after we landed, we were directed by the commodore to fall into line and march up.

Ques. Had any answer been received to the communication made through Lieut. Stribling before the landing of the men and the spiking of the guns in the battery on the beach, and the two nine-pounders between the beach and the town?

Ans. None that I knew of.

Ques. What is the distance between Foxardo and St. Johns?

Ans. I think about forty miles.

Ques. Did the interpreter appear to be an intelligent man, well acquainted with the Spanish and English languages? And do you understand Spanish sufficiently well to know whether he interpreted correctly?

Ans. The interpreter appeared perfectly acquainted with both languages. I understood some things that were said, and my pilot, who understood both languages, told me that he interpreted correctly.

The examination of the witness in chief having been closed, Captain Porter was asked whether he had any questions to propose to the witness; to which he replied that, before proceeding to take any

steps in his defence, he had some remarks to submit to the court, which he read and submitted to the court, annexed to the record, and marked (E.)

The room was then cleared, and after some time was opened, when the judge advocate informed Capt. Porter that the court had maturely deliberated upon the paper submitted by him—that after full consideration, the court is of opinion that the matter of the communication, as well as the language in which it is couched, is in several particulars so highly objectionable that, could the court have anticipated its character and contents, it would not have been suffered to be read. The court considered it as highly disrespectful, both to the Secretary of the Navy, and to the court itself. This court cannot submit to hear from any officer animadversions on the conduct, and accusations against the head of the Department, wholly foreign to the investigation in which it is engaged; nor can it, without forfeiting its own self-respect, listen to language so offensive to itself. The court is willing to believe that this objectionable character may be attributed to the hasty manner in which the paper appears to have been drawn up; and that Capt. Porter, on consideration, will himself feel disposed as well to perceive, as to rectify the grounds of objection.

In order, however, to prevent a recurrence of such unpleasant circumstances, the court has ordered, that in future no communication be received unless in writing, and the paper must previously be submitted to the judge advocate for the consideration of the court.

The judge advocate further informed Captain Porter, that the court had likewise directed him to state that when the question was asked him, on the opening of the court, whether he had any objections to make to any member of the court, he was understood to say, distinctly, that he had none; but that he wished to submit to the court "some remarks on the precept by which the court was convened, and the materials of which it was constituted." It was then suggested to him that, as the court had not yet been organized, it could at that time hear nothing from him; but that the proper period would be after the members had been sworn in. This suggestion was made by the judge advocate, and apparently acquiesced in by Captain Porter.

Immediately after the organization of the court, Captain Porter read and submitted to the court the paper which has been annexed to and constitutes part of the record. Conceiving that it contained not a challenge to the court, or a specific exception to any member of the court, but objections applying exclusively to the precept under which it had been convened; and that these objections, if presented to the government, might possibly induce some change in the precept, with which the court had no authority to interfere; feeling, also, that the exceptions which had been urged involved the competency of the major part of the members of the court, a question on which delicacy forbade them to express an opinion when it had not been presented distinctly to their decision, the court determined to pursue the course which was adopted, and of which Captain Porter was immediately apprised.

If, however, Captain Porter did design to raise a question for the decision of the court, as to the legality of the precept under which it is acting, the court has no hesitation in saying that it entertains no doubt upon the subject. Had any doubt existed, the court would have put it in a way to be satisfactorily decided, before proceeding to act under it.

The court is aware that it possesses no power to compel Captain Porter to take any part in this investigation; but it is equally satisfied that his acts can in no degree interfere with the duty of the court to proceed in the investigation, which it has been charged to make by the competent authority.

The court then adjourned till ten o'clock to-morrow morning.

THURSDAY, *May* 5.

The court met pursuant to the adjournment of yesterday. Present: as before.

Captain Porter stated to the court that on receiving the record it appeared to him that an omission had been made, which he was desirous of having supplied, in stating the proceedings of the first day. He submitted to the court his statement of the remarks which he made before the oath was administered to the members. The court being of opinion that Captain Porter was entitled to have his statement inserted in the record, as containing his view of what transpired, directed it to be inserted. It is in the words following, viz:

"Captain Porter being asked whether he had any objection to offer against either of the members of the court, replied that he had no specific objection to individuals, but he objected to the materials of which the court was composed; and stated further, that he had some remarks to make on the subject as well as on the precept; that he did not think the court was legally formed."

Captain Porter then submitted to the judge advocate, for the consideration of the court, a paper (marked F.) The court was cleared, and after some time was opened. The judge advocate informed Captain Porter that he was instructed by the court to say that the paper had been maturely considered—that it is deemed objectionable from the style of animadversion upon what has transpired, and of instruction as to the future conduct of the court. The court, therefore, will permit Captain Porter to withdraw it. Should he, however, wish it to be inserted on the record in its present shape, it shall be done, accompanied by such remarks as the court conceives it due to themselves to make.

Captain Porter declined to withdraw the paper, and the judge advocate informed him as follows:

The court feels constrained to make some remarks upon the animadversions which Captain Porter has thought himself entitled to pass upon its conduct. The court did understand Captain Porter to waive or decline challenging any of the members of the court, but at the same time to intimate, as an objection which he conceived existed against the organization of the court, that two of the members were his juniors in rank. The court did not, at any time, suppose that this objection had any foundation, either in the letter or spirit of the law. The law is silent on the subject. The only qualification required is that the members of the court should be commissioned officers. The "materials, then, of which this court is constituted," are conceived to be wholly free from any legal objection. Nor is there anything in the spirit of the law which the court has been able to perceive leading to a different conclusion. Every member of this court holds the same commission with Captain Porter; all are captains; one his senior, two his juniors in date of commission. The court, however, is clearly and unhesitatingly of opinion that no law would be violated, either in its letter or spirit, by the appointment of any three commissioned officers to constitute a court of inquiry into the conduct of any officer. Courtesy, and a regard to the feelings of the officer whose actions are to be investigated, will, it is presumed, in all cases prevent the government from selecting officers of a very inferior grade to sit upon an inquiry into the conduct of an officer of elevated rank. But this principle can scarcely be carried to an extent which

would apply to a court, every individual of which is known to the American navy. At all events, this is an objection which the court conceived, and still conceives, can be properly decided only by the Executive. This court can in no manner interfere with such a question. In this instance, likewise, it appeared to the court to be so connected with other comments upon the precept as to present itself before the court rather as an animadversion upon the conduct of the Executive in thus organizing the court, than as a challenge formally presenting the question for its decision. Captain Porter seems himself to have so viewed it, for he assigns his reasons for making this court the organ of his communications with the Department.

The court thinks proper further to remark that the single object for which it has been constituted is to inquire into the official conduct of Captain Porter, and to report to the Department the facts which may be proved. The court possesses no power to adjudge Captain Porter innocent or guilty; it has no authority to impose punishment. The duties imposed are enjoined by the competent authority. The interference of Captain Porter in pursuing this investigation, however desirable it may be, as calculated more fully to elicit the truth, is in no manner necessary. The court is competent of itself to perform the duty imposed upon it, and will now proceed to execute that task.

Captain Porter was then asked whether he had any questions to propose to Lieutenant Platt. He declined putting any, and observed he should now take his leave of the court.

REMARK.—However desirable it might have been to myself and others that the investigation asked for by me should proceed; however honorable the result might be to myself and the officers under my command, and however necessary it may be for the reputation of the navy and the nation, I could not consent to defend myself before the court against any charge whatever, until its legality had been decided by competent authority—until I could appear before it on terms of perfect equality with my accusers; until I could be allowed to protect myself in the way which might appear to me most proper, without submitting my defence to the inspection of the judge advocate, who had no right to decide in my case, or to the control of the court, who would thereby have exercised a power not founded on law or justice, and without the risk of undeserved reproof.

For the members who composed the court, individually, no one could have a higher respect than myself, and if a majority senior to me could not be had without injury to the service, I should have been content. But this has not been made apparent, and I owed it to the service as well as myself, that no doubt should remain as to the legality of the principle that the court would have established, that commissioned officers of any class are a sufficient court for the trial of any officer, their rank depending on courtesy alone. The framers of laws rarely permit justice to depend on courtesy, and I doubt the exception in this case. Too much courtesy might permit the guilty to escape; too little, the innocent to suffer. Justice dispensed on this principle is never certain, and seldom satisfactory. In this instance I may with propriety, considering all circumstances, complain that courtesy has not been sufficiently extended; a practical illustration of the effects of which I have had in the censure the court thought itself justifiable in passing on me. But independent of my objections as stated above, on the ground of legality, equality, and the rules of the court, I object to the precept itself, which does not grant me what I asked. If the Secretary of the Navy had thought my request an improper one, he should have refused it; but after he had informed me he would comply with it, he should have granted it to its full extent.

The same principle that induced me to go to Foxardo for the protection of the persons of the officers under my command, induced me to ask for an inquiry to enable me to protect their characters. They acted in both cases in conformity with my orders, and were entitled to my protection, so far as I could protect them. If in both cases I have failed in my object, I have the satisfaction of knowing that the failure is not attributable to any omission on my part.

If the court pursues the investigation, I feel no apprehension for the result, whether I defend myself or not; and if the case should be dismissed by the Department in consequence of my refusal, it will be a sufficient justification of my conduct against the imputation of Messrs. Randall and Mountain, and of members on the floor of Congress, but it will be no acquittal of the officers under my command, against whom similar charges by the same persons have been made.

But however desirable a decision in the case may be, I cannot, either on my own account, or on account of others, purchase the good report of the court at the expense of self-respect and esteem.

I take this occasion to express my surprise that the court should have conceived the idea that I wished to submit the question of its competency to the Secretary of the Navy, as no such wish is expressed by me.

I wished my objections to the *precept* submitted to the Secretary, and so expressed myself; the question of *competency* I submitted to the court itself. I beg leave to refer the reader to paper B, wherein he will find I express myself as follows:

"That the court is formed agreeably to the letter of the law I cannot deny; nor could I were it formed of any of the subordinate classes I have mentioned. But whether it is formed according to its *spirit* and *intention*, and on *principles of strict justice*, is the question I beg leave to submit to you."

If the court, from any scruples whatever, declined deciding the question thus presented to it, it appears to me the most proper course would have been to submit it to the decision of the Attorney General of the United States. But it was the duty of the court to decide whether it was or was not competent; the decision as to its belief on the subject, *on oath*, was all that was required by me, and the question could have been decided by the court as readily, and as well, *before* as it was *after* the *instructions* of the Secretary had been received; that it did not decide in the *first* instance, is sufficient evidence that doubts *then* existed as to its legality.

"The single object for which it (the court) has been constituted," has nothing to do with the merits of the question of legality; and although the limitation of its powers, as defined in the precept, might have been of itself a sufficient reason for my not defending myself before it, it is not a sufficient apology for the course it has pursued toward me. The court was not authorized to offer an opinion in the case; the opinion of the President, to whom the subject is to be submitted, *cannot* be formed without having all the facts before him; and his opinion, I feel confident, *will not* be governed by any *act* of the court.

Under all circumstances then, I had nothing to lose, or apprehend, by my withdrawal from the court, and I certainly saved a very useless sacrifice of my feelings, as (except in its deportment towards me while before it,) it could do me neither good or harm. A court more powerless, and yet more calculated to alarm the accused, was perhaps never formed.

The charge, first to be investigated, was exhibited against me by the Secretary of the Navy; the Secretary of the Navy selected my judges, two of whom were junior to me. The judge advocate, who is the *primum mobile* of all military courts, received his appointment from the Secretary, and is his warm friend and *protégé*. Under these circumstances, it may readily be imagined I had everything to apprehend, and nothing to hope for, while before the court; and to defend myself under the conditions imposed on me, would have been worse than useless. All that was left for me was to retire from the court, and to lay a statement of the case before the highest tribunal on earth. In doing so I mean no disrespect to the government, to the head of the Department to which I belong, or to the court; I merely exercise a right which is secured to every American citizen; a right which I do not conceive that I forfeited when I became a public servant.

I feel that I have been oppressed, and the privilege of complaining is not denied to the meanest slave.

D. P.

Alexander J. Dallas, a master and commander in the navy of the United States, being produced as a witness and sworn, according to law, deposes and says: I was a master commandant, in command of the John Adams, bearing Commodore Porter's broad pendant. We arrived some time in November, I do not distinctly remember the date, off the town of St. Thomas, in the Island of St. Thomas. On our arrival there, some time I think in the afternoon of the same day, Lieutenant Platt, in company with Mr. Cabot, came on board the John Adams, and made a report to the commodore of some ill-treatment which Lieutenant Platt had received at Foxardo. In consequence of this report, I understood from the commodore that it was his intention to visit Foxardo, and endeavor to obtain an apology from the authorities there for their conduct. On the following morning I was directed to get the John Adams under way, and proceed to Foxardo. In consequence of the lightness of the winds, and the pilot being of opinion that the draft of water of the John Adams was too great to permit her to be taken near the town, I was directed to anchor her under one of the Passage Islands, to get out all my boats, and prepare a hundred and odd men with the officers. After all these preparations were made, the day had so far advanced that we could not have arrived there before night. In consequence of which the commodore directed that we should be ready by one or two in the morning to go on board the schooner Grampus, she and the Beagle being in company. We did so, and the Grampus took our boats in tow. We then proceeded to Foxardo, where we arrived about nine or ten the next morning. On anchoring, we observed on a hill, near the beach, a small battery, in which there appeared to be a number of men, and who it was supposed intended to make a resistance to our anchoring. An order was given by the commodore, that a boat and her crew should dislodge the men from that battery. The boats were then all manned, and we landed. The commodore then directed Lieutenant Crabb, with a portion of the marines, to advance and take a position on the road by which we were to march up to the town. Lieutenant Stribling was then dispatched with a flag and a letter to the authorities of Foxardo. After having formed the men, we were directed to follow on by the road, leaving a guard of marines to protect the boats, under the command of Lieutenant Barton. We then marched to within about twenty or thirty yards of where the marines, under the command of Lieutenant Crabb, were. The commodore directed two guns, which we met with on the road, to be spiked. We remained there until Lieutenant Stribling returned with two officers, who were understood to be the alcalde and the captain of the port. A conversation then took place between the commodore and the alcalde, through the medium of an interpreter; the result of which was an apology to Lieutenant Platt for the ill-treatment he had received on his previous visit. The commodore asked the officers generally if they were satisfied with the apology. Finding they were so, he directed our return. He received, however, an invitation to go himself into the town. He went as far as led us by all the force that was collected—a field piece and sixty or seventy men with arms. After this we returned to the beach, where some rum and refreshments were given to the men. We embarked in the boats, went on board the Grampus, and sailed for the John Adams.

Question. Had you received any information on board the John Adams of Mr. Platt's treatment at Foxardo, previous to his making the report of the transaction to the commodore?

Answer. The account Mr. Platt gave was, I believe, the first we had of the affair.

Ques. Was any communication made to the authorities of Porto Rico, previously to your entering the harbor of Foxardo?

Ans. None that I know of.

Ques. Did Captain Porter consult with any of his officers as to the expedition he projected, or did any of them express any opinion to him on the subject?

Ans. He did not consult with any of them. From the intimacy that subsisted between Commodore Porter and myself, I believe I made some remarks to him as to the consequences that might probably result from it; and I think he replied that his instructions would bear him out in the course he intended to pursue on the occasion. This was a voluntary suggestion by me, not called for by his expressing any wish to consult me.

Ques. What orders did you receive from Captain Porter, previous to or at the time of your landing?

Ans. The only orders that I received were those which I have mentioned, and that I should take care the men were not out of the way, and that they committed no excesses.

Ques. How were the men armed? Were the guns loaded?

Ans. They were armed with muskets, bayonets, cutlasses, pistols, and boarding pikes. The guns were loaded on the beach before we marched up.

Ques. Was any flag or communication sent to the shore before you landed?

Ans. None. Lieut. Stribling landed with us. The boat sent to spike the guns on the hill went previously to our landing.

Ques. Did you advance toward Foxardo before the return of the flag sent by Lieut. Stribling, or did you remain on the beach till his return?

Ans. We advanced before the return of the flag.

Ques. Were the guns spiked before the return of the flag?

Ans. Yes. None were spiked after.

Ques. What orders were given by Commodore Porter to the officers remaining on board the vessels?

Ans. I do not know.

Ques. Were the Grampus and Beagle anchored in such a situation as to enable them to cover the landing?

Ans. The Beagle certainly was; I think the Grampus also.

Ques. Was any opposition offered to your landing, or to your advance to the town?

Ans. None. The impression was, that the force on the hill would, had they been able, have fired on the vessels; but there was no opposition to our landing.

Ques. What time would it have required to communicate from your anchorage with St. John's?

Ans. The distance, I should presume, is about 40 or 50 miles.

Ques. Is not St. John's the seat of government of Porto Rico?

Ans. Yes. The governor of the island resides there.

Horatio N. Crabb, a lieutenant in the marine corps of the United States, being duly sworn according to law, deposes and says:

I was commanding officer of marines on board the John Adams, in November last. I landed at Foxardo in the same boat with Lieut. Stribling, and on getting on the beach, an officer informed me that Commodore Porter, who had previously landed, wished to see me. My command was distributed in different boats. On reaching the place on the beach where the commodore was, I was directed by him to form my guard, look for the road to the town, proceed, and take up a favorable position; and at the same time received very particular instructions not to suffer my men to commit any outrages upon the property of the inhabitants along the road, nor to commit any act of hostility myself, unless I met with resistance, or was opposed on my march towards the town. After receiving these instructions, I commenced my march towards the town with from twenty-four to twenty-eight men, armed with muskets. When about half way between the beach and the town, I discovered several persons approaching me, following me with a white flag. I could not at the time distinguish who they were, and continued my march. After a short time, I discovered that the bearer was Lieutenant Stribling, on his way from the beach to the town. I halted till he came up; as he passed me I observed to him that I would escort him into the place. He answered, very well. After proceeding a short distance further, he was met by a number of persons from the town, bearing a white flag also. I was at that time from twenty to thirty yards behind him. Immediately on his reaching the spot where these persons were standing, I observed that Lieutenant Stribling was surrounded by a number of armed men. After some conversation with them, of which I knew nothing, he sent a message to me requesting me not to advance any further. I accordingly halted the men and rested them upon their arms. I was at this time from about 250 to 300 yards from the town, perhaps less; and observed that there was a number of armed men drawn up, as I presumed, to prevent my troops from entering the place. They amounted, perhaps, to about three times as many men as I had, and had a field piece which I presumed was a six-pounder. There was also a number of men mounted on horseback, who were armed with swords. They were at the entrance of the town. I remained in the position I had taken up until the commodore came up with a body of seamen. He halted them some distance in rear of my division, and came himself up to the ground I occupied, and directed me to wheel my men into a position which would face the Spaniards. I did so, and again rested them upon their arms. In the course of perhaps fifteen minutes, Lieutenant Stribling was observed returning, accompanied by the governor of the place and a small number of the inhabitants. I was then directed by Commodore Porter to place my men in a situation that would occupy both sides of the road, and suffer none but those in attendance on the flag to pass me. After this he retired to where the officers were assembled, some distance in the rear of the marines, and there received the governor or alcalde. I know nothing of what occurred there, being at too great a distance to hear. In a short time I observed the governor with Commodore Porter and a number of the officers approaching me. The commodore gave me orders, as he passed, to put the marines in motion and follow him into the town, which I did. After passing the armed Spaniards, I halted upon the outskirts of the place. The commodore observed to me that he had been invited into the place by the governor, and also the men, to take some refreshment after the march; but said, at the same time, that he did not wish to bring all the men in, as he apprehended that some excesses might be committed which would put an end to the peaceable settlement of the business. He, however, told the governor, through the interpreter, that if refreshments were sent to the beach they should be paid for. After that they parted, as I thought on friendly terms, we left the town and returned to the boats. I brought up the rear with the marines, a number of the inhabitants accompanying us down. Refreshments were sent and distributed to the men. We then embarked and returned to the vessels. Commodore Porter, with the marines and the alcalde, entered the outskirts of the place, but none proceeded further.

The court adjourned till to-morrow morning at half-past ten o'clock.

FRIDAY, *May* 6.

The court met pursuant to the adjournment of yesterday. Present: as before, with the exception of Captain Porter, who was not present.

Lieutenant Platt was again called:

Question. How far is the place, where the John Adams was left at anchor, from Foxardo?

Answer. About twenty-two miles.

Ques. At what hour did you leave the John Adams, and at what hour did you arrive at Foxardo?

Ans. We left the John Adams at midnight, and arrived at half-past seven or half-past eight.

Ques. To what nation does the Island of St. Thomas belong?

Ans. It is a Danish island.

Ques. When you left the John Adams, at what time did you calculate to reach Foxardo?

Ans. The intention of the commodore was to reach Foxardo at sunrise, as he informed me. We were detained by light winds and a calm.

Ques. Were the two nine-pounders taken and spiked by the marines, or by the sailors who came up afterwards? Describe as near as you can their position.

Ans. I was ordered by the commodore to spike them. I informed him I had nothing to spike them with, and Mr. Pendergrast was then ordered to do it. The marines had passed them. They were placed in the road on a causeway, where the road was straight for about one hundred rods, and commanded that part of it. There were no Spaniards there at that time. They had abandoned them, but they had been manned on my first visit to the place. The guns on the hill were, I understood, long eighteen-pounders.

Ques. Were both the Grampus and Beagle anchored in a position to cover the landing?

Ans. The Grampus was anchored off the battery, the Beagle in a situation to cover the landing.

The court adjourned till 12 o'clock to-morrow.

The judge advocate informed the court that he should probably be in possession of more testimony to submit to-morrow.

The court adjourned till to-morrow morning at 11 o'clock.

SATURDAY, *May* 7.

The court met pursuant to the adjournment of yesterday. Present: all the members of the court, and the judge advocate.

The judge advocate informed the court that he had received a communication from the Secretary of the Navy, to be submitted to the court; which was read, annexed to the record, and marked.* The accompanying documents were also read, the court reserving all questions as to their competency and credit for future deliberation and decision.

After reading the papers, the court was cleared, and the court proceeded to deliberate upon the papers submitted to it, and after having maturely considered the same, the court was opened, and the judge advocate stated that the court is of opinion that the deposition of Lieut. Barton, dated February 6th, 1825, be annexed to the record, which is accordingly done, and the paper is marked (H.)

In regard to the other documents, the court is of opinion that many of them are not sufficiently authenticated to authorize their reception, without an express and sufficient waiver of all exceptions entered on the record.† That some of them appear to be of a confidential character, and their contents such as ,without affecting this case, ought not to be exposed to the public eye without necessity: and that collectively, they present no facts or views calculated to elucidate the subject submitted to the court. The court, therefore, direct the judge advocate to return them to the Navy Department as irrelevant.

The court adjourned till half-past ten o'clock on Monday morning.

On Monday the court agreed upon their report, and transmitted it to the Department.

MONDAY MORNING, *May* 9, 1825.

The court met pursuant to the adjournment of Saturday. Present: all the members of the court, the judge advocate, and Captain Porter.

The judge advocate stated to the court that he had no further testimony to submit to the court in reference to the subject into which it was directed to make an investigation; and the other branch of inquiry having been granted at his solicitation.

The court was cleared, and proceeded to deliberate upon the course to be pursued, and after some time the court was opened, and the judge advocate stated that the court had determined to proceed in the business which had already been investigated, and to report to the Department the facts which have been formed in relation to it.

The record of the proceedings of the court having been read, the court was cleared for the purpose of deliberating upon the report to be made to the Department.

(The report here comes in, of which I have no knowledge.)

After the report had been agreed to and signed, the court directed it to be transmitted to the Department, accompanied with a letter, informing the Secretary of the Navy that all the business which was before the court is completed. This being done, the court adjourned till to-morrow morning at 11 o'clock.

To Captain Isaac Chauncey, president of the court of inquiry now sitting at the Navy yard, Washington:

I have received the letter of the judge advocate, transmitting the proceedings of the court in relation to the landing of a part of the naval forces under the command of Captain David Porter, in the Island of Porto Rico, in November last.

I am also apprised that Captain Porter had entered his protest against the competency of the court, and declined taking further part in its proceedings, and that it has nothing before it.

Circumstances before it, connected with the inquiry into the manner in which naval forces of the United States, under the command of Captain David Porter, were employed in the suppression of piracy, render it expedient that that inquiry should not be defeated, because the officer who requested it does not think proper to pursue it before this court. You are therefore hereby directed to proceed in the inquiry indicated in the precept, according to its terms, notwithstanding the objections taken by Captain Porter. You will inquire into the manner in which the squadron under the command of Captain Porter has been employed during the period of his command, and report to this Department the facts, and whether the said forces have been employed in the suppression of piracy in the most effective manner in which they could be employed, in conformity with the orders and instructions from this Department; or whether they have been engaged in objects of inferior moment, to the injury of the public service.

All which you will transmit to this Department, to be submitted to the President of the United States for his consideration.

Herewith you will receive a list of the witnesses to whom orders have been given to report themselves to the court, and such documents as appear to be connected with the subject of inquiry shall be transmitted as soon as they can be proposed.

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* Not in my possession. D. P.

† It was the cause of extreme surprise to me, as it was to every bystander, and as I have no doubt it is to the reader, that such a condition for the admission of the documents on the record should have come from the court. If the documents were proper testimony, they ought to have been admitted without any conditions, and if they were not testimony, they ought to have been rejected. As to the character of the documents, whether confidential or otherwise, that was an affair for me to consider, and not for the court. It was one which the court had nothing to do with. The reader having the documents before him, can judge of the propriety of the other point of the objection, to wit: "that collectively they present no facts or views calculated to elucidate the subject submitted to the court."

Should it appear, in the progress of the investigation, that other testimony within the control of the Department will be required, it shall be furnished with as little delay as practicable.

Given under my hand and the seal of the Navy Department of the United States, at the city of
[SEAL.] Washington, this tenth day of May, in the year of our Lord one thousand eight hundred and twenty-five, and of the independence of the United States the forty-ninth.

(Signed) SAM'L L. SOUTHARD.

B.

GENTLEMEN OF THE COURT: Before you proceed to investigate the subject submitted to you, allow me to make a few remarks on the character of the precept which authorizes your forming yourselves into a court, and the nature of the duties which it imposes on you.

As regards the first charge against me, submitted to your investigation, I have nothing at present to say; the Secretary of the Navy having preferred it against me, he has a perfect right to couch it in whatever language may appear to him most proper to obtain the end he has in view. The mere statement of the charge, however forcible the terms, is no proof of my guilt, and it remains for me to oppose to it the proofs I have in my possession, sufficient, I trust, to show that my conduct in landing in a hostile manner on the shores of Porto Rico, was not only justifiable, but praiseworthy.

It is, however, a duty I especially owe to myself, and to others under my command, to notice the manner in which the second subject is submitted to your investigation, to wit, the carrying of specie, &c. You wil lperceive that it is admitted in the precept that the investigation of this subject is ordered at my particular request; and this being the case, it would seem but just that the request should be complied with, according to its terms. My request, as contained in my letter to the Secretary of the Navy of the 2d of March, is in the following words:

"Having this day seen in a print several letters from Mr. Thomas Randall and Mr. John Mountain, communicated through the State Department to Congress, and highly injurious to the character of myself and other officers belonging to the West India squadron, I have to request that an inquiry may be instituted to ascertain how far facts will justify their statements and remarks, and the injurious remarks they have elicited on the floor of Congress."

You will perceive, by a perusal of the precept, that your attention is not directed to the inquiry asked for by me: you find nothing said of the particular documents referred to, or the persons named in my application: you are not directed to inquire how far facts will justify *their statements and remarks, and the injurious remarks they have elicited on the floor of Congress.* You are, in fact, not directed to extend the inquiry so as to ascertain how far others, as well as myself, were implicated in transactions which, if true, were highly disreputable to all concerned; but you are simply required to ascertain whether the naval force in the West Indies and Gulf of Mexico were employed to the best advantage; whether it was not employed in the transportation of specie, and in other objects of inferior moment, to the neglect of the public interests. I beg you to compare the charge, as it stands in the precept, with my request, and say if you can find the slightest resemblance between them. I am not very particular as to the manner in which this charge has been worded; but as some of the vessels under my command have been "employed in the transportation of specie and (perhaps) in other objects of inferior moment," all of which, I trust, my orders from the Secretary of the Navy made necessary, your decision in the negative or affirmative can, therefore, have no bearing on the innocence or guilt of myself and those under my command.

The question, had it been submitted to you as was intended by me, would have been simply this: has Captain Porter and the officers of the West India squadron basely neglected their duty, and sacrificed the public interests, as charged by Messrs. Randall and Mountain; and do they deserve the strictures which have been passed on them on the floor of Congress?

The question, as it now stands in the precept, may require you to investigate the propriety of the orders issued from the Navy Department, but its decision can have no bearing on the conduct of those who acted in obedience to them. My motive in asking for this inquiry was for the sole purpose of justifying myself, and others under my command, against the charges of Messrs. Randall and Mountain, and the illiberal remarks they gave rise to. I had no wish to pry into the conduct or motives of the Secretary of the Navy, or to implicate him by any investigation touching his official conduct. I have never doubted the propriety of the orders he gave me, nor do I doubt it now; but as the question submitted to you stands, the result must necessarily be a decision as to *their* propriety; a decision I have never asked for, and with which I have nothing to do. To me it matters little whether the orders I acted under were in conformity with the laws for the suppression of piracy or not; it is only necessary for my justification to show that I acted in strict obedience to the orders I received. Let those who issued them, if there is anything wrong in them, answer for the rest.

Messrs. Randall and Mountain are understood to have said that myself, and others under my command, have neglected the duties which were confided to us, to the discredit of the navy and the nation, to the injury of the property and to the sacrifice of the lives of the citizens of the United States, for the sole purpose of benefiting ourselves by the transportation of specie. If what those gentlemen say of us is true, we are not only unworthy of holding commissions in the navy, but are deserving the severest punishment a court-martial can sentence us to receive: and if we are not guilty, we should not only be pronounced innocent, but our slanderers and calumniators should be exposed to the world as men unworthy of confidence.

It becomes, then, a question of character between them and us. If they prove their charges, they deserve well of their country for exposing us, and we must sink, and deservedly; if we acquit ourselves of them, they will no longer be worthy of consideration.

The question, then, should have been submitted to you in all its bearings, in strict conformity with the language of the request which produced the order for the inquiry, and had this been done you would have been able to have come to a satisfactory conclusion; but confining yourself to the subject as pre-

sented to you in the precept before you, there can be no decision touching the points at issue between Messrs. Randall and Mountain, and myself and officers.

I have taken the liberty to make these remarks at this early period, with the hope that you would, by applying to the Secretary of the Navy, obtain a revision or modification of the precept, so as to enable you to reach the object which induced me to ask the inquiry, or at least that such measures might be taken as may seem to you expedient to enable you to effect the purpose which caused me to make the application for an investigation of the truth of the charges.

I beg the court to be persuaded that these remarks and this request originate in no wish to embarras or throw difficulties in the way of the inquiry, but from a sincere desire that the accusers may have every opportunity of proving their charges, and the accused the advantage of rebutting them; that truth may be made known and justice obtained—the only end and object, it is presumed, of the investigation.

It was not my intention to make, under any circumstances whatever, objections to any member whom the Secretary of the Navy might think proper to order on this court, and even now I should waive all objections, was my conduct alone the subject of inquiry; but since the Secretary has chosen, by the same precept, to submit to you charges against me originating with himself, and the investigation of the conduct of myself and others, as asked for by me, it is a duty I owe to others to guard, by every means in my power, against a decision injurious to them.

It has not escaped your observation that there are two members of this court junior to me. This, however, at first sight, may not by many be considered a reasonable ground of objection, as the act for the better government of the navy only requires three commissioned officers and a judge advocate to constitute a court of inquiry; but I think it must be apparent that the intention of the framers of the law was that with the exception of the difference of the numbers which compose them, courts of inquiry should be regulated and governed on the same principles as courts-martial.

A court-martial may consist of from five to thirteen members; but it is required that not more than one-half of the members, if it can be avoided, shall be junior to the officer tried. This rule, no doubt, was intended to prevent the interested feelings of the junior members from operating to the prejudice of the officer to be tried; and the same rule should in justice govern courts of inquiry. Courts of inquiry having the same power to summon witnesses, administer oaths, and punish contempt, it was evidently the design that they should be similarly constituted. By every rule and principle of justice, the accused should be tried by disinterested jurors, or at least a majority of them. Will it be contended that, because the law requires three commissioned officers to constitute a court of inquiry, that three commissioned officers from any of the subordinate classes would be a sufficient court to investigate and report on the conduct of the commander of a squadron? Lieutenants, pursers, chaplains, surgeons, and surgeons' mates, are commissioned officers; but surely it will not be asserted that a sufficient court for the investigation of my conduct could be formed of these classes. It was, therefore, evidently designed that only such commissioned officers as may legally sit on a court-martial can sit on a court of inquiry, and that courts of inquiry should not only be similar in their organization, but also formed of the same materials as courts-martial. With this view of the subject, I feel that I should not do my duty to others, considering the fearful odds I have to contend against, if I did not submit to the court whether, with a majority junior to myself, it can legally proceed to investigate my conduct. That the court is formed agreeably to the *letter* of the law, I cannot deny, nor could I, were it formed of any of the subordinate classes I have mentioned. But whether it was formed according to its *spirit* and *intention*, and *on principles of strict justice*, is the question I beg leave to submit to you.

C.

NAVY YARD, *Washington, May* 2, 1825.

SIR: I am instructed by the court of inquiry, convened to investigate the conduct of Captain David Porter, to inform you that the court was this day organized, in pursuance of the precept of the case, and that after the members were duly sworn, Captain Porter read to the court a certain paper herewith transmitted for your consideration. You will perceive that an exception is taken to the court itself, as not composed of competent members. This objection applies to a majority of the court, and they consequently feel a delicacy in determining a question involving their own competency. The court, therefore, has deemed it correct to submit the questions thus raised to your determination, and to adjourn the court for the purpose of obtaining your opinion before proceeding in the investigation.

Very respectfully, your obedient servant,

(Signed) RICHARD S. COXE, *Judge Advocate.*

The Hon. SAMUEL L. SOUTHARD, *Secretary of the Navy.*

D.

NAVY DEPARTMENT, *May* 3, 1825.

SIR: Your letter of yesterday's date, communicating the paper submitted to the court by Captain D. Porter, has been received.

If it was the intention of Captain Porter to present a challenge, or offer a specific legal exception to any member, the proper tribunal for its decision was the court itself—the proper time was, before the members were sworn. If, as is presumed, he designed to complain of the manner in which the court was composed, as unjust or illegal, he ought, before the meeting of the court, to have applied to the Department, which alone possessed the power of affording a remedy. A copy of the precept, stating the names of the officers who were to compose the court, and the objects of inquiry, was furnished to him on the 20th day of April last.

As, however, you have "deemed it correct to submit the question raised" by Captain Porter to "my

determination," it is proper to add that the opinion of the Department, as to the legality of constituting the court, with three captains of the same rank with Captain Porter, one being senior and two junior to himself, was necessarily expressed in the very act which created and convened the court. And no argument is discovered in the paper submitted, calculated to change that opinion.

As it is not supposed that the court possesses the power to decide on the form of the precept, the objects for which it should have been convened, or those into which it would be proper to inquire, the reason and design of the comment which is made on the form and words of the precept is not distinctly perceived, and may be totally misapprehended.

If its form seemed incorrect to Captain Porter, or not calculated to meet the objects which he had in asking for an inquiry, the Department, which alone possessed the power to alter the form of the precept, and change the scope of the investigation, ought to have been addressed on the subject.

The President of the United States having thought proper to order an investigation into the transactions at Foxardo, it was the duty of the Department so to frame the precept as to meet that object; and it is believed that the court will find no difficulty in comprehending what is directed on that point.

The inquiry relating to some other parts of the conduct of Captain Porter, while commanding the squadron in the West Indies, was granted at his request, and was intended to be so general as to permit him the utmost latitude in proving what had been his conduct on any particular point which he might select, and showing that he was free from all just cause of accusation, by whomsoever made. If the words be not sufficiently broad to permit such an investigation, they would heretofore have been promptly extended, at his request, and no difficulty will now be made, should he request it, in so directing the court as to accomplish his object. The defect on this point, if one exist, is not perceived. It was not the intention of the Department, at the suggestion or solicitation of Captain Porter, to direct the court to inquire into the conduct of other officers, of whose actions the Department saw no cause to complain; who had not asked for any inquiry; and for whom it was not perceived that he had any authority to demand it; much less was it the intention of the Department, on an inquiry asked by him, to submit to the court the legality or the propriety of the orders given to him. Nor is it believed that the precept can bear any such construction. With this view of the matters contained in the papers submitted, the Department has only to direct that the court, constituted as it is, proceed to make the inquiry directed by the precept.

I am, respectfully, &c.,

(Signed) SAMUEL L. SOUTHARD.

RICHARD S. COXE, Esq., *Judge Advocate of the Naval Court of Inquiry, at the Navy Yard, Washington.*

E.

GENTLEMEN OF THE COURT: Before proceeding to the examination of any witnesses in my defence, I must beg leave to enter my protest against the decision of the Secretary of the Navy, as regards the legality of the formation of the court. A question of law and justice, on which the court, either from *incompetency* or delicacy, are unwilling to come to a decision, should not be decided on by the officer with whom the illegality and injustice complained of is supposed to have originated. A question of the importance of the one submitted to you, I was impressed with a belief at the time of presenting it, would be, and am still of the opinion should be, submitted to the Attorney General of the United States, if the court from any cause was unwilling to take the responsibility on itself. And in order that I may not be supposed to have given my assent to any circumstance which, by any tribunal hereafter, may be supposed to vitiate the legality of your proceedings, I must beg leave to decline taking any part whatever in this investigation until the question I have submitted to you is decided on by competent authority: a question, not originating in any captious disposition on my part to create difficulties, as it would appear from the quotations in the Secretary's letter is supposed to be the case, but from a sincere desire that every proceeding in the case should be conducted according to the strictest principles of law and justice.

If an error, as is intimated, was committed in point of form, in the time taken to state my objection, the court will no doubt recollect that the error did not originate with me. I apprised the members assembled, before its formation, of my intention, and adopted the time suggested to me by the judge advocate. But even if an error had been committed by me, merely in point of form, is it just, considering all circumstances, that the *party opposed to me should avail itself* of this error to my disadvantage, when no intimation whatever of the error was made to me at any time, either by the court or its law adviser. That I did not apply to the Department before the meeting of the court, to remedy the evil complained of, scarcely needs an explanation; *if it does, you have it now in the decision of the Secretary.*

I feel it due to myself, in making this protest, to place on the record my reply to the intimation that the precept would have been changed on my application before the meeting of the court. You have already been made acquainted with the language used in my application for the investigation sought for by me; it is therefore unnecessary to repeat it. The Secretary, in what purports to be his reply, dated on the 16th of March, states as follows:

"It has become my duty to apprise you of the determination of the Executive, that a court of inquiry will be formed, as soon as circumstances will permit, to examine into the occurrence at Foxardo, which was the occasion of your recall, and also to comply with the request contained in your letter of the 8th inst."

I must observe that I understood the Secretary to mean, by the letter of the 8th, my letter of the 2d, as I never made any request of him in my letter of that date, relating to any subject submitted to you. Confiding in the assurance of his reply, I was greatly surprised at the wording of the precept, and I must leave you to decide whether, after it had been issued, the court was not the proper medium through which I was bound to communicate with the Secretary. I will further remark that, in the letter accompanying the precept, the Secretary, from some objections to the style of my letter, thought proper to remind me of the relation which subsists between me and the Department; and not willing that offence should in future be taken when none was intended, or to incur a similar reproof, when none was deserved,

I thought it safest on my own account that all my communications should, in future, be made to you, and through you.

NOTE.—The words italicised and marked, were made by the court as disrespectful.

D. P.

F.

WASHINGTON, *May* 5, 1825.

GENTLEMEN OF THE COURT: Having carefully perused the paper commented on by the court, on account of which it has thought proper to pass censure, and not being able to detect in it a single expression which bears the construction the court has thought proper to place on it, I cannot consent, by any alteration on my part, to admit that by it any disrespect was intended, by me, either to the court or to the head of the Navy Department; and it is the cause of great surprise to me that the court should have entertained such an opinion.

The court having thought proper to underscore, as disrespectful, the word *incompetency*, as used by me in relation to it, I beg to state distinctly that the word was not used in regard to intellectual incompetency, and in no other sense could it be offensive; but with respect to its legal incompetency, (in the opposite sense in which the court itself applied the word competency) which was supposed to be admitted when the subject was referred to the Secretary for his decision. Delicacy I did not conceive to be the only motive for the course taken by the court, as I did not believe it a sufficient and satisfactory one; being under the impression that it was the duty of every officer to perform the service confided to him, however delicate, provided it be legal.

The declining to make a decision on my first application, and referring the subject to the Secretary of the Navy, was, as I supposed, an admission of the incompetency of the court to decide, or a voluntary relinquishment of its right, if it possessed it,—a right which I am of opinion the court cannot again resume, after the opinion of the Secretary is at its request made known. If the court had the right to decide in the first instance, no delicacy should have prevented its decision; but, relinquishing its right, I am under the impression it cannot resume it to decide now as to its legality, and I cannot acquiesce either in a power to decide, the propriety of the decision it has come to, or the rule it has established with regerd to the course it has thought proper to adopt toward me. If I am not permitted to appear before the court on terms of perfect equality with my accusers, whoever they may be, and to defend myself in the way which may appear to me the most proper, (always observing due respect to the court and the Secretary,) I must in justice to myself decline suffering any defence which may be liable to be weakened by an interposition on the part of this or of any other tribunal.

With this remark, I beg leave to adhere to the determination expressed in the paper on which the court has animadverted with so much, and, I think, with such undeserved severity.

I have the honor to return to the court a copy of the paper commented on, underscored, and marked by it as objectionable; together with a copy as it was submitted by me to the court.

I have the honor to be, with sentiments of the highest respect,

The court's very obedient servant,

D. PORTER.

The President and Members of the Court of Inquiry, now in session.

DOCUMENTS.

No. 1.

U. S. SHIP JOHN ADAMS, *Passage Island, November* 15, 1824.

SIR: I have the honor to inform you that, on my arrival at St. Thomas, I was informed that Lieutenant Commandant Platt, of the United States schooner Beagle, who had visited Foxardo, a town on the east coast of Porto Rico, about two miles from the sea, for the purpose of making inquiries respecting a quantity of dry goods, supposed to have been deposited there by pirates, was, after being recognized as an American officer by the proper authorities, there imprisoned and shamefully treated.

Indignant at the outrages which have been so repeatedly heaped on us by the authorities of Porto Rico, I proceeded to this place, where I left the ship, and taking with me the schooners Grampus and Beagle, and the boats of the John Adams, with Captain Dallas and part of his officers, seamen, and marines, proceeded to the port of Foxardo, where, finding preparations were making to fire on us from the battery on shore, I sent a party of seamen and marines to spike the guns, which was done in a few minutes, as the Spaniards fled on the landing of the party. I then landed with two hundred men, and marched to the town, spiking on the way the guns of a small battery, placed for the defence of a pass on the road, and reached the town in about thirty minutes after landing. I found them prepared for defence, as they had received intimation from St. Thomas of my intention of visiting the place. I halted about pistol shot from their forces drawn up on the outskirts of the town, and sent in a flag, requiring the alcalde or governor, with the captain of the port, the principal offenders, to come to me to make atonement for the outrage, giving them one hour to deliberate. They appeard accordingly, and after begging pardon (in the presence of all the officers) of the officer who had been insulted, and expressing great penitence, I permitted them to return to the town, on their promising to respect all American officers who may visit them hereafter.

We then returned to the vessels and left the harbor, after being at anchor three hours. As we were getting under way, a number of persons appeared on the beach, bearing a white flag, and having with them some bullocks and a number of horses, apparently laden, no doubt a present from the authorities of the place, which they informed me they should send me.

There is no doubt that our persons and our flag will be more respected, hereafter, than they have been by the authorities of Porto Rico.

Every officer and man, on this occasion, conducted themselves in a manner to meet my entire approbation.

I have the honor to be, your obedient servant,

(Signed) D. PORTER.

Hon. SECRETARY *of the Navy.*

No. 2.

U. S. SHIP JOHN ADAMS, *Thompson's Island, January* 1, 1825.

SIR: I have the honor to transmit to you copies of the statements made to me, which induced me to take the step I did, as regards the Spanish authorities at Foxardo.

I have the honor to be, your obedient servant,

(Signed) D. PORTER.

Hon. SAM'L L. SOUTHARD.

No. 3.

U. S. SCHOONER BEAGLE, *St. Thomas, November* 11, 1824.

SIR: At 10 in the morning of the 26th of October last, I received intelligence that the American consul's store had been forcibly entered on the preceding night, and robbed of goods to the amount of $5,000. With this report, the American consul requested me, provided it would prove consistent with my duties, to sail in quest of those who it was supposed had clandestinely left the harbor, the night preceding, in a small boat, and generally believed by those acquainted in St. Thomas to have proceeded to the port of Foxardo, on the east end of Porto Rico.

I directly gave the necessary orders to prepare for sea. Having received a good pilot on board, I was enabled by noon to proceed in quest of the marauders. Standing along the south side of Crabb Island, discovered a sloop in Settlement Bay, boarded her, and received information of a piratical sloop-rigged boat to the leeward, and had been for some time past infesting the coast. This information induced me to alter my course, and steer for the west end of Crabb Island. At 10 A. M. discovered a sloop beating to windward, and the small, sloop-rigged boat standing from the land. At 10 o'clock 50 min. fired a shot to bring the sloop to; at 10 o'clock 55 min. fired again; she hove about and stood for the land; spoke the sloop—from St. Croix, bound to St. Thomas—made all sail for the sloop boat, which run into —— Bay, and her crew abandoned her. At 11 o'clock 15 min. came to, and took possession of the deserted boat; at 11 o'clock 45 min. made sail and stood for the southeast end of Porto Rico, and at sunset came to in the harbor of Foxardo.

On the morning of the 27th, a creole visited me from shore, who bore an invitation from the commandant to me to visit him. At 7 A. M., in company with Lieut. Ritchie, the pilot, and the consul's clerk, I landed. For our better success, we appeared in the character of citizens. On my reaching the shore, the register of my vessel was demanded; I explained the object of my visit and the policy of appearing in disguise; this, however, proved of no avail; I was not allowed to proceed to Foxardo. Supposing that the person who made these demands had no authority to detain me, I, in company with Lieut. Ritchie, proceeded to the port of Foxardo, and explained, in the most satisfactory manner to the captain of the port, the object of my visit, and produced a private letter from Mr. Cabot, American consul, to a merchant in that place, in relation to the service in which we were engaged. Having observed the necessary forms and ceremonies with regard to the captain of the port, we then waited upon the alcalde, and further acquainted him with our mission, &c., who proffered us every assistance. Having made a few inquiries in some of the retail stores which had an immediate tendency to bring to light any who may have been engaged in this traffic, we received a positive order to repair to the alcalde's house, where we were also received by the captain of the port, who damned us as pirates, and requested of me my register, papers, &c. I stated I possessed no register; I carried no papers, other than my commission, and that of my officers. We were seized as culprits and conveyed to prison. To satisfy them of my real character, of which they pretended they had no positive proof, I consented, though repugnant to my feelings, to have my commission sent me; after its production, they declared it a forgery, and again remanded us to prison, declaring he would not release us until he had heard from St. John's. I then demanded to know what was further required; the reply was, "your appointment as lieutenant commandant of that vessel is what you must produce." I at first hesitated, and would not comply; but not wishing on my part to commit any action which might have a tendency to disturb the harmony existing between the respective governments, I produced my appointment as lieutenant commandant. A council of officers was called with other citizens of the place, who, after having heaped upon us the most shameful outrages, permitted us to depart on board.

I have the honor to be, respectfully, your obedient servant,

(Signed) CHARLES T. PLATT, *Lieutenant Commandant U. S. Schooner Beagle.*

To Commodore DAVID PORTER, *U. S. N.*

No. 4.

ST. THOMAS, *November* 12, 1824.

SIR: I have the honor to inform you that the store of Cabot, Baily & Co. was broken open on the night of the 24th ult, and property to a considerable amount stolen; and having strong reasons to believe that the robbery was committed by a gang of thieves who harbor in the Island of Porto Rico, I communicated the same to Captain Platt, of the U. S. schooner Beagle, who very promptly offered to go there in pursuit of them, and started for Foxardo on the morning of the 25th, with a pilot which I furnished him, and a young man from the counting house, with a description of the goods, and a letter of introduction to Mr. Juan Campos from one of the most respectable houses in this place, and well known in that quarter. The manner in which Captain Platt was received and treated has no doubt been communicated to you by him.

I beg leave to enclose a letter from Messrs. Bergeest & Uhlhorn, confirming the facts of the late robberies in this island having, in most instances, been traced to the quarter of Porto Rico where Captain Platt went.

I have the honor to be, sir, your most obedient servant,

STEPHEN CABOT, *U. S. V. Consular Agent,*

To Commodore DAVID PORTER.

No. 5.

SIR: At the request of our friend, Mr. Stephen Cabot, we beg leave to state to you some facts relative to the robberies lately committed in the island.

Our own store, and, amongst others, those of our neighbors, Messrs. Ellis, Gibson & Co., Jno. Kettell, Esq., Robert Alexander, Esq., Saubot, Joubert & Co., were forcibly broken open, property to a very large amount stolen, and a considerable part of the goods traced to Naguabo, near Foxardo; in consequence of which, and the circumstance that about ten days previous to the robbery committed in the store of Messrs. Cabot, Baily & Co., a gang of desperate thieves made their escape from the prison at the city of Puerto Rico, as also that every search had been made here on shore, as well as in the harbor, and nothing discovered, except that the goods stolen had been carried off by the sea-side, induced us to recommend to those gentlemen sending down a person to Foxardo, as being probably the means of tracing the robbers.

Desirous of assisting our friends, Messrs. Cabot, Baily & Co., in this object, we gave one of their clerks, and who, we understood, was to go down in the U. S. schooner Beagle, a letter of recommendation to our friend, Mr. Juan Campos, in Foxardo, who had on former occasions of the same nature been the means of discovering the property and perpetrators, namely, in the case of Messrs. Ellis, Gibson & Co. and our own.

We have the honor to be, with sentiments of the highest regard, sir,

Your obedient, humble servants,

BERGEEST & UHLHORN.

To Commodore DAVID PORTER.

ST. THOMAS, *November* 11, 1824.

No. 6.

NAVY DEPATMENT, *December* 27, 1824.

SIR: Your letter of the 15th November last, relating to the extraordinary transactions at Foxardo, in the Island of Porto Rico, on the — of that month, has been received and considered. It is not intended, at this time, to pronounce an opinion on the propriety of those transactions on your part, but their importance demands for them a full investigation; and you will proceed, without unnecessary delay, to this place, to furnish such explanations as may be required, of everything connected with their cause, origin, progress and termination. For that purpose you will bring with you those officers whose testimony is necessary, particularly Lieut. Platt, and such written evidence as you may suppose useful.

You will return in such convenient vessel as may be best spared from the squadron, and on your leaving the station you will deliver the command to Captain Warrington, with all such papers, instructions and information as may be useful to enable him, in the most effectual manner, to accomplish all the objects for which the vessels now under your command were placed there.

I am, very respectfully, &c.,

SAM'L L. SOUTHARD.

Commodore DAVID PORTER, *commanding U. S. Naval Forces, West Indies, Gulf of Mexico, &c.*

NAVY DEPARTMENT, *December* 29, 1824.

SIR: I have thought proper to relieve Captain Porter. You will proceed in the Constellation, if ready, if not ready, in the Shark, with all dispatch to Thompson's Island, and if Captain Porter be not there, to such place as you may be induced to believe you will be most likely to find him. If, on your passage to Thompson's Island, you receive information where he is, you are at liberty to change your route, the object being to find him as early as possible

You will deliver the letter directed to him, and, on his leaving the station, receive from him the

command of the squadron, with such papers and instructions as he may furnish. You have enclosed copy of the original orders to Captain Porter, dated 1st Feb., 1823, with extracts from others. You will take them for your guide, and follow their directions. It is confidently expected that you will exhibit zeal, caution, and perseverance, in discharge of your duties.

I am, very respectfully,
(Signed) SAM'L L. SOUTHARD.

Capt. LEWIS WARRINGTON, *Norfolk, Va.*

U. S. SHIP JOHN ADAMS, *Thompson's Island, January* 30, 1825.

SIR: I have the honor to acknowledge the receipt of your orders of the 17th ult., informing me of your reception of mine of the 15th of Nov. relating to what you have been pleased to term "the extraordinary transactions at Foxardo," and recalling me from my command for a full investigation of my conduct in that affair. Agreeably to your orders, I shall leave this place for Washington "without unnecessary delay," and have taken measures to obtain all the testimony necessary, and such written evidence as I suppose useful; and on my arrival in the United States, shall hold myself ready to justify my conduct in every particular, not only by the laws of nations and of nature, and by highly approved precedent, but, if necessary, by the orders of the Secretary of the Navy.

To use the emphatic language of Mr. Adams, "by all the laws of neutrality and war, as well as of prudence and humanity," I was warranted in chastising and intimidating the authorities of a place who had not only become the allies and protectors of outlaws and pirates, but our active enemies, by the imprisonment and forcible detention of an American officer, while in the performance of his duties. "There will need," continues Mr. Adams, "no citation from printed treatises on international law to prove the correctness of this principle. It is engraved in adamant on the common sense of mankind. No writer upon the laws of nations ever pretended to contradict it; none of any reputation or authority ever omitted to insert it." I am willing, sir, to submit my conduct in this affair to the strictest investigation, and if I cannot fully justify it, I shall cheerfully submit to the severest punishment that can be inflicted; but if it shall appear that the motives which influenced me were founded in patriotism, that the necessity for my conduct really existed, and that "my vindication is written in every page of the law of nations, as well as the first law of nature, self-defence," I shall then hope that atonement will be made for this forcible withdrawal, for an alleged offence, from my command, by restoring me to my former station, and allowing me to retire from it in a manner more honorable to myself and my country, and less injurious to my feelings and character.

This, sir, will be an act of justice that I hope will not be denied to me.

I have the honor to be, with great respect, your obedient servant,
(Signed) D. PORTER.

Hon. SAMUEL L. SOUTHARD, *Secretary of the Navy.*

WASHINGTON, *March* 1, 1825.

SIR: I have the honor to inform you that, in obedience to your orders, I have come to this place, and I now await your further directions.

With great respect, your obedient servant,
(Signed) D. PORTER.

Hon. SAMUEL L. SOUTHARD.

MARINE BARRACKS, *Allenton, Thompson's Island, February* 6, 1825.

I, Thomas B. Barton, first lieutenant of marines, in the service of the United States, and commanding the marines on this station, do make the following statement of facts in relation to the proceedings of Commodore David Porter, commander-in-chief of the naval forces of the United States in the West Indies, &c., at Foxardo, in the Island of Porto Rico, in the month of November, 1824:

The United States schooner Grampus, bearing the broad pendant of Commodore Porter, with the U. S. schooner Beagle in company, arrived in the harbor of Foxardo on the 14th of November, 1824, about 8 o'clock, A. M. I was a passenger in the Grampus. Both vessels entered the harbor with the U. S. ensign displayed. We had scarcely let go our anchor, which was done directly opposite a two-gun battery on the summit of a hill, elevated perhaps eighty feet above the level of the ocean, when I perceived twenty or more men in the battery, loading and training the guns in the direction of the Grampus. I soon after received orders through Lieut. Sloat, commandant of the schooner, to be in readiness to command the marine guard attached to her, fourteen in number, and to proceed in the launch, the largest boat of the Grampus, with Lieut. Pendergrast, her first lieutenant. The latter officer received the following orders in substance from Commodore Porter, in my presence: To proceed in the direction of the two-gun battery, directly opposite, and land the men under his command at as little hazard as possible; to take the battery, spike the guns, and destroy the ammunition; and then pursue the direction of the main body, under the command of the commodore in person. Lieutenant Pendergrast was particularly ordered not to fire a gun, unless he met with resistance; and not to permit the men to commit any depredation upon persons or property. We then pulled off from the Grampus, in a direction for the battery, and perceiving that they were training their guns, one to bear on the Grampus, and one on our launch, we made the best of our way to effect a landing in the rear of the fort, which we succeeded in doing in so short a space of time that they could not bring the gun to bear on us, which they were using every exertion to do.

Having succeeded in landing in rear of the battery, we mounted the hill with muskets, pistols and cutlasses, and discovered the works to be that moment deserted by the Spaniards. We took quiet possession, and found two long eighteen-pounders, one of them charged with a cartridge of powder, a round shot, and a cannister filled with grape shot, musket balls and spikes, the gun primed, and a lighted match placed near it. The other gun was partly charged, but was deserted before the loading of her was completed. Agreeably to orders, we spiked the guns with files; and finding one or two charges of powder, and a cannister with grape, musket balls and spikes, alongside one of the guns, the ammunition was destroyed. After having secured the battery conformably to orders, we re-embarked in our launch, and proceeded in the direction of the main body, which had landed near the road leading to the town of Foxardo. After we reached the landing, I was ordered by Commodore Porter to remain with a guard under my command, to protect the boats during his absence with the main body; and I was particularly ordered to permit no man on my guard, upon any consideration, to commit depredations upon the inhabitants or their property; which order was obeyed.

(Signed) THOS. B. BARTON, *Lieutenant commanding Marines.*

Sworn before me this 7th of February, 1825.

(Signed) JNO. R. MIFFLIN,
Justice of the Peace in and for the county of Monroe, Territory of Florida.

An act to continue in force "An act to protect the commerce of the United States, and punish the crime of piracy," and also to make further provision for punishing the crime of piracy.

SEC. 3. *And be it further enacted*, That, if any person shall, upon the high seas, or in any open roadstead, or in any haven, basin or bay, or in any river where the sea ebbs and flows, commit the crime of robbery, in or upon any ship or vessel, or upon any of the ship's company of any ship or vessel, or the lading thereof, such person shall be adjudged to be a pirate; and being thereof convicted before the circuit court of the United States for the district into which he shall be brought, or in which he shall be found, shall suffer death. And if any person engaged in any piratical cruise or enterprise, or being of the crew or ship's company of any piratical ship or vessel, shall land from such ship or vessel, and on shore shall commit robbery, such person shall be adjudged a pirate, and on conviction thereof before the circuit court of the United States for the district into which he shall be brought, or in which he shall be found, shall suffer death. *Provided*, That nothing in this section contained shall be construed to deprive any particular State of its jurisdiction over such offences, when committed within the body of a county, or authorize the courts of the United States to try any such offenders, after conviction or acquittance for the same offence in a State court.

H. CLAY, *Speaker of the House of Representatives.*
JOHN GAILLARD, *President of the Senate pro tempore.*

WASHINGTON, *May* 15, 1820.
Approved: JAMES MONROE.

DEFENCE.

Having been displaced from my command, by order of the Secretary of the Navy, to furnish such explanations as may be required of everything connected with the cause, origin. progress, and termination, of my "transactions" at Foxardo, I must refer to the letters of Lieut. Platt, Mr. S. Cabot, and Mr. Bergeest, for the origin; to my letter to the Governor of Foxardo, and my official report to the Secretary of the Navy, for the progress and termination; and to the following explanation for the cause:

I rest my justification on the laws of nations and of nature, highly approved precedents, and the orders of the Secretary of the Navy.

I shall show, in the order I have placed them, how far I am justified on each of those grounds, and trust that I shall not only fully acquit myself of any charge of wickedness, wantonness, rashness, or indiscretion, but prove that I should have failed in my duty to my country had I not punished, by intimidation or otherwise, the people and government of Foxardo.

It is not, nor can it be, denied, that pirates are considered, by the laws of nations, the enemies of the human race; and this being the case, it is the duty of all nations to put them down. In the case of pirates, then, there are no neutrals; it being the duty of all nations to put them down, all nations are allies against them. In the case of belligerents, where the army of one party enters the territory of a neutral power, the army of the other has a right to follow it there; and the right is strengthened if the pursuing army follow its enemy into the territory of an ally. *This is the doctrine contained in my instructions.*

Spain, and the dependencies of Spain, are as much bound as any others in the alliance for the suppression of piracy; and if she fails in her obligation, she is responsible for the omission, and must necessarily suffer the inconveniences resulting from the endeavors of others to put down the system, among which are the destruction of fishermen's houses and boats on the coasts of the islands frequented by pirates, the seizure of suspicious vessels and persons, and the alarm and damage done in fresh pursuit.

Of these she has no right to complain, if she makes no effort of her own to put down piracy, and heretofore never has complained, even when considerable efforts of her own have been made. If then, as the ally of Spain, we have a right to land on her shores; and having a right to land there, have a right also to all her "countenance and support;" what follows if the right is denied to us? If, so far from giving us countenance and support, piracy is aided and abetted, an asylum is offered to pirates, and those who land in pursuit are seized and imprisoned, does not the nation, city, town, or people, who thus make common cause with pirates, lose all respect for their own character, forfeit all the respect of others, abandon the advantage of the common alliance, and become, not only the allies of pirates, but our open and active enemies, and justify us treating them as such? As enemies, then, we have the certain and undoubted right to land, pursue, chastise, and intimidate them; and the principle is the same, whether they are the

inhabitants of a fishing hut, of a town, a city, a province, or a nation. The magnitude of the object makes no change in the principle; and what is justifiable in one case, is justifiable in the other: territorial immunity is as much invaded and violated by the burning of a hut, as by desolating a province. The punishment in either case, must, of course, depend on circumstances, and the means of him who has it in charge to suppress piracy.

The people and authorities of Foxardo, by the imprisonment of an American officer in pursuit of pirates, lost all respect for their own character, by becoming, not only the allies of pirates, but our open enemies, and of course, were not only not entitled to any respect from me, but laid themselves liable to chastisement, in the event of my means justifying the enterprise which the first law of nature, self-preservation, loudly called on me to undertake, for fear their example should become contagious, and much inconvenience and bloodshed should be the consequence.

The officers under my command have often been employed on duty similar to that of Lieut. Platt, by my order: the orders given by me to them have, in every instance, been in strict conformity with those of the Secretary of the Navy; and they have the same right to my protection in their execution, as I conceive I have to that of the Secretary of the Navy. Without the assurance of this right, where is the officer, let me ask, who would be willing to execute the orders of his superior?

Acting on this principle, which is in accordance with common sense and justice, I undertook the enterprise to chastise and intimidate the authorities of a town, who had forfeited their character as allies to us by becoming the allies of pirates, and our open enemies; as much to prevent a repetition of the offence they had committed, as to assure those under my command that they should receive every countenance, support and protection from me, in the performance of their lawful duties, and by that means encourage them to make laudable efforts to effect the objects for which the expedition to suppress piracy was fitted out. The manner of my performing this duty, I trust, needs no apology; it was done in a way best calculated to prevent an effusion of blood, and to secure the innocent inhabitants from injury; the object was effected in a manner not only to satisfy the officers and men under my command that redress under such injuries was certain, but the people of Foxardo also, and others similarly situated, that numbers and distance were no security to them.

The spiking of their guns was a matter of necessity. Had I not done so, there can be no doubt that some of us would have shared the fate of Lieutenant Cocke, who was killed from the batteries of St. John's, the capital of the same island in which Foxardo is situated, at a time when the character of the expedition and its object were both known to its chief, for which outrage no redress has yet been obtained, and which the strength of the place, and the weakness of the force under my command, prevented my seeking, forcibly, at the time it was committed.

It is almost useless to quote from writers on international law to support the principles I have stated to have guided me in my conduct in relation to the affair of Foxardo; but, having said that I have acted in conformity to the laws of nations, it may be expected that I should by good authority support my assertion.

Vattel is an author frequently quoted, and his authority may be deemed a sufficient guide for one who has all his life been engaged in other pursuits than the study of international law, and has been more frequently placed in emergencies where he has been under the necessity of resorting to the resources of his own mind than afforded the opportunity of referring to books as his guide.

By a reference to book third, chapter six, section ninety-four, of Vattel, it is stated that "every associate of my enemy is indeed himself my enemy; it matters little whether any one makes war on me directly and in his own name, or under the auspices of another; whatever rights war gives me against my principal enemy, the like it gives me against all his associates." On this principle, then, the authorities and people of Foxardo became my enemies by associating with my enemies; and whatever right war gave me against the pirates, it gave me against Foxardo; and having this right, I should have been perfectly justifiable in making good my threat to burn the town if it had not been ransomed by suitable concessions, and a promise on the part of the authorities to pursue in future a different course from the one that caused my visit there.

As the allies of Spain against the common enemy, we had a right to its countenance and support, to the extent of its means, in pursuit of pirates; we had a right, as allies, to cross the territorial boundaries of Spain to pursue them, and in doing so there was no cause for offence on the part of Spain; the object being lawful and usual, resistance, therefore, to the exercise of this right, became an offence on the part of Spain, and an injury to us of which we have a right to complain and to obtain redress.

Vattel, book second, chapter second, section nineteenth, says: "Nothing is more opposite to the duties of humanity, nor more contrary to the society which should be cultivated by nations, than offences or actions which give a just displeasure to others; every nation, therefore, should avoid giving any real offence; I say real, for, should he who manifests a displeasure at our behavior, when we are only using our rights, or fulfilling our duties, he is to blame, not we."

According to Vattel, not only Foxardo, not only Porto Rico, but Spain herself, is answerable for the conduct of her subjects; and, if she fails to restrain their mischievous and base attempts, lays herself liable to the same punishment as those who did the injury, and it is the duty of all nations to unite in treating her as the common enemy of mankind. For years past we have been suffering under the injuries we have received from the people and authorities of Porto Rico, and no redress has been obtained from the mother country;—more perhaps from inability to restrain and control her colonies, than from any want of will on her part to do us justice. Porto Rico, must, therefore, be considered in a measure independent of Spain, so far that Spain cannot, or will not, prevent a repetition of the injuries which have been the subject of complaint from us. We therefore have a right to use the means we have of obtaining redress, or of inflicting punishment on her for injuries, atonement for which is withheld from us; and it is the duty of all nations to unite with us to treat the people of Porto Rico as the enemies of the human race. Vattal, book 2d, ch. 6th, sec. 78: "In short, there is another case, where the nation in general is guilty of the base attempt of its members. This is when, by its manners or the maxims of its government, it accustoms and authorizes its citizens to plunder and use ill foreigners indifferently, or to make inroads into the neighboring countries, &c. Thus the nation of the Usbecks is guilty of all the robberies committed by the individuals of which it is composed. The princes, whose subjects are robbed and massacred, and whose lands are infested by these robbers, may justly punish the entire nation. What do I say?—all nations have a right to enter into a league against such a people, to repress them, and to treat them as the common enemies of the human race."

A nation or people, then, known to be of a base and mischievous character, who have been in the frequent habit of making injurious attempts, such as the Barbary powers, and the people and authorities of Porto Rico, and who, by policy, manners, or maxims of government, encourages, accustoms, and authorizes its citizens to depredate on the property of others, not only justifies reprisal, but authorizes the nations injured by them to provide for their own security by punishing the offender; by inflicting a punishment on him calculated to deter him from like attempts, and deterring others. It has a right to use every honest attempt to prevent evil to itself, even by anticipating the machinations of the people or power engaged in opposition to its interests, and put him out of the condition to injure it.

The following quotation is so full on the subject, that I deem it unnecessary to offer anything more in justification and in support of the principles adopted by myself, except to show that what a nation may do, may be done, and has often been done, by individuals, acting on the presumed wishes of the government to which they belong.

Vattel, book 2d, chap. 4th, sec. 56: "It is safest to prevent the evil when it can be done. A nation has a right to resist an injurious attempt, and to make use of force and every honest means against the power that is actually engaged in opposition to it, and even to anticipate its machinations, always observing not to attack it upon vague and uncertain suspicions, in order to avoid exposing itself to become an unjust aggressor. When the evil is done, the same right of security authorizes the offended to endeavor to obtain a complete reparation, and, if necessary, to employ force for that purpose."

"In short, the offended has a right to provide for his security for the future, and to punish the offender by inflicting on him a pain capable of deterring him afterwards from the like attempts, and of intimidating those who shall be tempted to imitate him. He may even, if necessary, put the aggressor out of the condition to injure him. He makes use of his right in all these measures, when guided by reason; and, if any evil results from it to him who lays him under the necessity of acting thus, he can accuse none but his own injustice."

"If, then, there is anywhere a nation of a restless and mischievous disposition, always ready to injure others, to traverse their designs, and to raise domestic troubles, it is not to be doubted that all have a right to join, in order to repress, chastise, and put it ever after out of its power to injure them."

In book 3d, chap. 15th, sec. 228, Vattel lays it down as a general principle, "That there are occasions when the subject may reasonably suppose the sovereign's will, and act in consequence of his tacit commands." It was this principle that authorized and justified Commodore Dale to commence hostilities against the Tripolitans, in 1801, when it was believed that war was intended by them; neither Commodore Dale nor Captain Sterret, the officer who made the first capture, were censured, but, to the contrary, were highly applauded; and the latter received the thanks of Congress, and a sword, although, at the time, war had not been declared against Tripoli. It was this principle that authorized and justified Commodore Rodgers in blockading the port of Tunis, and forcing the Bey to terms, and afterwards drawing his ships up before the batteries of Tangier, and threatening hostilities to the Emperor of Morocco, in the year 1805. It also authorized and justified Commodore Decatur in threatening hostilities to the Bey of Tunis and the Bashaw of Tripoli, in the year 1815, and forcing them to restore large amounts of money, taken from our citizens. Neither of these officers were censured for conduct which they believed to be in accordance with the wishes of the nation, although the United States had not declared war against those powers.

It is this principle that authorizes and justifies the officers commanding troops on our distant frontiers to commence hostilities against the Indian tribes, without declaration of war on the part of the nation. They act, in all cases, on its presumed wishes, and we know of no instance of censure.

It was this principle that authorized and justified General Jackson, without orders, to take possession of Fort St. Marks, and afterwards Pensacola, and to issue orders for the destruction of the Negro fort, on the Suwannee. The interest of our country, the safety of its citizens, the repose of our frontier, required that he should do so. He acted on the supposed will of the nation; and, so far from being censured, he has been rewarded with the support of the government, and the applause of his country. In not one of the cases cited, it is believed, had the officers any instructions whatever that authorized the act.

In the case of General Jackson, it is expressly stated by Mr. Adams, in his correspondence with Mr. Forsyth, that the occupation of these places in Florida, by General Jackson, "was not by any order received by him from the government to that effect, nor with any view of wresting the province from the possession of Spain, nor in any spirit of hostility to the Spanish government; that it arose from incidents which arose in the prosecution of the war against the Indians; from the imminent danger in which the Fort of St. Mark was of being seized by the Indians themselves; and from the manifestations of hostility to the United States by the Commandant of St. Mark, and the Governor of Pensacola, the proofs of which were made known to General Jackson, and impelled him, from the necessity of self-defence, to the step of which the Spanish government complains."

I shall now proceed to point out the resemblance between General Jackson's case and mine; and doubt not but it will be agreed that the magnitude of the scale of his operation, and the comparative insignificance of mine, do not change the principle; for, should this be the case, I am tenfold criminal in the numerous fishing huts I have destroyed on the coasts of Cuba. For, to say that I am justified in destroying fishing huts for harboring pirates, but not to threaten the destruction of a town for the same offence, while General Jackson, for the same reason, is justified in possessing himself of a province, is preposterous. I have shown before, that the same reasons that justify acting in the one case would jutify acting in the other. That the destruction of the numerous fishing establishments, and the breaking them up, almost entirely, on the coast of Cuba, when suspected of giving shelter to the common enemy, has never been considered a violation of territory, I have proofs, in the acknowledgment of the captain general, a very short time before leaving the West Indies, to account for the transactions at Foxardo; he expresses himself as follows:

"I regret, very sensibly, that you are about to retire from the command of the United States forces in these seas; not only from the able manner in which you have discharged the important duties which have been confided to you, but from the just considerations with which you have always respected the territorial rights of the Island of Cuba. Permit me, sir, to offer my acknowledgments, and to avail myself of this occasion to confirm the assurances of my high consideration and esteem."

I have before shown, that the authorities and people of Foxardo should, in justice, not only be considered as the allies of the pirates, but as our open enemies, did a decision on their conduct rest only on

the imprisonment of Lieut. Platt, after his object and character were both made known; but there are proofs in the letter of Mr. Bergeest that on two former occasions, in the case of Messrs. Ellis, Gibson & Co., and that of Messrs. Bergeest & Uhlhorn, the goods were traced to Foxardo, recovered, and the perpetrators detected. Foxardo could therefore be considered only as a piratical rendezvous, and I should have been perfectly justifiable in treating it as such by its total destruction. But not wishing to proceed to such extremities, if atonement for the past and security for the future could be obtained by milder means; and as the enterprise was undertaken, as my whole conduct shows, in no hostility to the Spanish government, nor with a desire to punish the innocent, who must have necessarily suffered by the destruction of the town, I tried amicable, before I resorted to forcible means to obtain the satisfaction which the violence and insult offered to my country, in the person of one of its officers, loudly demanded. "By all the laws of neutrality and war, as well as of prudence and humanity," I was warranted in chastising and intimidating the authorities and people of Foxardo; I was warranted in taking measures to prevent injury to me, and those under my command—seeing that injury was intended—by spiking their guns; and which, as appears by Lieut. Barton's testimony, was not done, or even ordered to be done, until the batteries were manned, and the guns trained on our vessels, (all bearing the American flag,) with evident design of hostility. I was warranted, in fact, in anticipating my enemy.

"There will need (continues Mr. Adams) no citations from printed treatises on international law to prove the correctness of this principle. It is engraven in adamant on the common sense of mankind; no writer upon the law of nations ever pretended to contradict it—none of any reputation or authority ever omitted to insert it."

The manly vindication of General Jackson, in the following quotation, and from the same pen, would alone, in the absence of all instructions, and all other guides and lights on the subject, have satisfied me of the propriety of my conduct:

"He (General Jackson) took possession therefore of Pensacola, and of the Fort Barrancas, as he had done of St. Mark, not in a spirit of hostility to Spain, but as a necessary measure of self-defence, giving notice that they should be restored, whenever Spain should place commanders and a force there, able and willing to fulfill the engagements of Spain towards the United States, of restraining, by force, the Florida Indians from hostilities against their citizens. The President of the United States, to give a signal manifestation of his confidence in the disposition of the King of Spain to perform, with good faith, this indispensable engagement, and to demonstrate to the world that neither the desire of conquest, nor hostility to Spain, had any interest in the councils of the United States, has directed the unconditional restoration to any Spanish officer, duly authorized to receive them, of Pensacola and Barrancas, and that of St. Mark to any Spanish force adequate for its defence against the attack of the savages. But the President will neither inflict punishment nor pass a censure upon General Jackson for that conduct, the motives for which were founded in the purest patriotism, of the necessity for which, he had the most immediate and effectual means of forming a judgment, and the vindication of which is written in every page of the law of nations, as well as in the first law of nature, self-defence. He thinks it, on the contrary, due to the justice which the United States have a right to claim from Spain, and you are accordingly instructed to demand of the Spanish government, that inquiry shall be instituted into the conduct of Don José Masat, Governor of Pensacola, and of Don Francisco C. Luengo, commandant at St. Marks, and a suitable punishment inflicted upon them, for having, in defiance and violation of the engagements of Spain with the United States, aided and assisted these hordes of savages in those very hostilities against the United States which it was their official duty to restrain. This inquiry is due to the characters of those officers themselves, and to the honor of the Spanish government."

"The obligation of Spain to restrain, by force, the Indians of Florida from hostilities against the United States and their citizens, is explicit, is positive, is unqualified. The fact that for a series of years they have received shelter, assistance, supplies, and protection, in the practice of such hostilities, from the Spanish commanders in Florida, is clear and unequivocal. If, as the commanders, both at Pensacola and St. Marks, have alleged, this has been the result of their weakness rather than their will; if they have assisted the Indians against the United States, to avert their hostilities from the province which they had not sufficient force to defend against them, it may serve, in some measure, to exculpate individually those officers; but it must carry demonstration irresistible to the Spanish government, that the right of the United States can as little compound with impotence as with perfidy, and that Spain must immediately make her election either to place a force in Florida adequate to the protection of her engagements, or cede to the United States a province, of which she retains nothing but the nominal possession, but which is, in fact, a direlict open to the occupancy of every enemy, civilized or savage, of the United States, and serving no other earthly purpose than as a post of annoyance to them."

I might here let the matter rest, and it may appear futile in me to give any other reasons or authority for my conduct than those I have cited, but I have still more cogent reasons than any I have yet stated: I acted not only on the supposed wishes of the government and nation at large, loudly and repeatedly expressed, but on orders intended to have met the case, and no doubt would have met it precisely, if it could have even been imagined that so great an outrage could have been committed by the authorities of any place, professing friendship to the United States, as were committed on the person of Mr. Platt. "It cannot be presumed (say my instructions) that the government of any island will afford any protection or countenance to such robbers. It may, on the contrary, confidently be believed that all governments, and particularly those most exposed, will afford all means in their power for their suppression." Yet the government and people of Foxardo did not only afford "protection and countenance" to pirates, and, so far from affording "all means in their power for their suppression," did, to cap the climax of their atrocity, *seize*, *imprison*, and *insult* an American officer, while in the execution of his lawful duties, and while acting in strict conformity with the orders of the government, thus losing all respect for their own character, and forfeiting the respect of others, by identifying themselves and interests with freebooters and outlaws, and making common cause with the enemies of the human race against the civilized world.

If it is asked where I find the wishes and opinions of the nation and the government so often and so loudly expressed as to justify my operations at Foxardo, I answer, in the messages and communications of the Executive to Congress at various times, the acts of Congres for the suppression of piracy, reports of committees and speeches of members of Congress; in the petitions of the mercantile part of the community to Congress and to the Executive, in the public prints, and in the general sentiment of the body of the people.

I could give numerous extracts from the various authorities cited, but their publicity renders it unnecessary that I should do so; I shall, therefore, merely refer to the President's message, and communications of the Secretaries of State and Navy, the acts declaring war against pirates, and making appropriations for their suppression, the reports of the chairmen of committees to whom the subject was referred. It is unnecessary to cite the various petitions and memorials of merchants in our sea ports, the numerous speeches of members of Congress on the occasion, and it would be almost as impossible to enumerate the various newspaper publications on the subject, as it would be to collect the sentiments uttered by our citizens. All unite in deprecating the abominable system, and calling aloud for punishment, not only on the wretches *immediately* concerned in it, but on their *aiders*, *abettors*, and *accessories*.

The Constitution of the United States prescribes no form for promulgating a declaration of war. The publication of the act for the suppression of piracy was alone sufficient to make known to the world that war had been formally declared by the United States against pirates. A squadron was equipped for the purpose of pursuing them, with the command of which I was honored, and I sailed with the prayers and best wishes of mankind in general. My orders, although drawn up with great care, and which laid down certain general principles as my guide, in my operations against pirates and intercourse with foreign nations, omit to define to me *what is piracy*. It became, therefore, necessary for me to refer to such authorities as were within my reach at sea for a definition of the term. Although the 10th article of the 8th section of the Constitution empowers Congress to define piracy, the laws of the United States, except in those for the suppression of the slave trade, and the acts of March 3d, 1819, and May 15th, 1820,* are silent on the subject. It became, therefore, necessary to seek for a definition in other authorities, among writers on international law, to which the act of March 3d refers. "Pirates," according to Spilman, "are common sea rovers, without any fixed place of residence; who acknowledge no sovereign and no law, and support themselves by pillage and depredations at sea." This definition is sufficiently clear and precise with regard to pirates who rove the ocean, have no fixed residence, and who acknowledge no sovereign and no law; but it does not describe the pirates whom it was made *my duty* to seek and encounter.

The following extract from the orders of the Secretary of the Navy endeavors to describe the origin, nature, and character of the system of piracy which I was sent to suppress, differing essentially from Spilman's definition, but still omitting to define *what is piracy:*

"The system of piracy which has grown up in the West Indies has obviously arisen from the war between Spain and the new governments, her late provinces in this hemisphere, and from the limited force in the islands, and their sparse population, many portions of each being entirely uninhabited and desolate, to which the active authority of the government does not extend. It is understood that establishments have been made by parties of these banditti in those uninhabited parts, to which they carry their plunder and retreat in time of danger."

The stat. 11 and 12, W. III, c. 7, (made perpetual by stat. 6, Geo. I, c. 19,) enacts that "all persons who set forth any pirates, or be assisting to those committing piracy, or that conceal such pirates, or receive any vessels or goods piratically taken, shall be deemed accessory to the piracy, and suffer as principals."

By stat. 8, Geo. I, c. 24, (made perpetual by stat. 2, Geo. II, c. 28,) "the trading with known pirates, or furnishing them with stores and ammunition, or fitting out any vessel for that purpose, or in anywise consulting, combining, confederating, or corresponding with them, shall be deemed piracy."

These authorities are a sufficient definition of the system of piracy as it really exists on the coasts of Porto Rico and of Cuba, and very justly and properly hold the accessories equally guilty with the principal. The authorities of Foxardo were accessories only, so far as we know, but, as such, the laws for suppression of piracy authorize hostilities against them, and the authorities quoted provide a punishment equal to the one inflicted on the principal.

"The crime of piracy, or robbery and depredation on the high seas," (according to Jacobs,) "is an offence against the universal laws of society, (a pirate, therefore, being, according to Coke, *hosti humani generis*, 3 Inst., 113.) As therefore he has renounced all the benefits of society and government, and has reduced himself afresh to the savage state of nature, by declaring war against all mankind, all mankind must declare war against him; so that every community has a right, by the rule of self-defence, to inflict that punishment upon him which every individual would, in a state of nature, have been otherwise entitled to do for any invasion of his person or personal property."

I have before asserted that it could not be denied that pirates were considered by the laws of nations the enemies of the human race, and that all mankind were allies against them; and the assertion is founded on the above authority, as well as on the orders and instructions under which I have acted, and which have also the laws of nations for their support.

It appears from the authority last quoted that every pirate reduces himself to a state of nature, and defies all laws, and may be punished by any community in the same manner as any individual reduced to a state of nature would have a right to punish him who invaded him or his personal property; or in other words, to punish piracy at discretion, without any regard to law. To show that this, and this alone, is the true meaning of the author, I offer the following quotation from the Lex Mecatoria, 184: "A piracy is attempted on the ocean; if the pirates are overcome, the takers may immediately inflict a punishment *by hanging them up at the main yard end*, though this is understood when no legal judgment may be obtained; hence, if a ship on a voyage to any part of America or the plantations there, on the discovery of those ports, is attacked by a pirate, but in the attempt the pirate is overcome, *the pirates may be forthwith executed without any solemnity of condemnation by the marine law.*"

I have now shown that the laws of nations and of nature justified my landing at Foxardo, to obtain indemnity for the past and security for the future. I have shown that the approved conduct of those who committed acts of hostility without any declaration of war on the part of the United States, or orders from the government, justified hostilities on my part, even if there had been no declaration of war, or orders to give a sanction to my proceedings. That war having been formally declared and promulgated, and the laws making the accessory equally guilty and punishable with the principal, I should have failed in my duty, having the means, if I had not brought the authorities and the people of Foxardo to punishment, as accessories to the pirates who had taken refuge and received protection there.

* The 3d section of the act of May 15th, 1820, makes the landing and robbery on shore, by the crew of any piratical vessel, an act of piracy, and punishable, as such, with death. See appendix.

I have also shown that as pirates, and of course the accessories of pirates, set at defiance all law, so are they not entitled to its benefits, and "they may be forthwith executed without any solemnity of condemnation by the marine law;" and consequently that I should have been justifiable in using the severest measures that could have been adopted, in punishing the authorities and people of Foxardo. But for the severity of the measures adopted by me, I refer to facts, and shall not say one word in defence of them.

I might stop here with a perfect confidence of an acquittal from the charge of rashness and indiscretion, in the violation of the territorial jurisdiction and immunities of Spain, or of any disposition to offer to that government any indignity or insult; but as, without asking of me explanation, and without complaint from Spain, or from any other quarter, it has been thought proper to anticipate even the resolution and wishes of Mr. Archer, already distinguished for his active hostility towards me in the trial of Lieut. Kennon, by ordering me from my station, to explain the transactions at Foxardo, which it has pleased the Secretary of the Navy to term "extraordinary;" and as I am placed before the world as a condemned and degraded officer, it is a duty I owe to myself, as well as to the service to which I belong, and it may be useful to others to know that in all this "transaction" I was acting in as strict conformity with the letter and spirit of my instructions, as the nature of the case would admit of; that it was provided for as near as could be *imagined* by the government, and that I have in no instance departed from my instructions, so far as I could by repeated perusal understand them. I have perceived no obscurity in them and I complain of none. I believe I understand them, and the intentions of those who drew them up; and without national or natural law or precedent, I feel a confidence that the responsibility of my conduct at Foxardo, if improper, rests upon these who issued the orders, and not on me who executed them. I do not wish it understood, however, that I dispute the propriety of the orders; to the contrary, I fully concur in the doctrine laid down in them. They are framed on the laws of nations, were drawn up by one well versed in them, and were intended to supply the want of a knowledge of international law on my part. I not only subscribed to that part which authorizes my landing and pursuing pirates on the territory of a foreign power, and denounces those nations so lost to a sense of respect for their own character and interest, and the respect of others, as to refuse to put down piracy, much less to afford them an asylum and a protection; but I subscribed to the yet stronger measures which have been recently recommended by the Executive—nothing short of authority to land, pursue, and hold the authorities of places answerable for the pirates who issue from and resort there—to make them answerable by reprisals on the property of the inhabitants, and to blockade the ports of the islands. Nothing short of these measures can put down the disgraceful system. I also coincide in opinion with the President, that neither the government of Spain, nor the governments of either of the islands, (Porto Rico and Cuba,) can with propriety complain of a resort to either of those measures, or all of them, should they be resorted to, as the United States interpose their aid for the accomplishment of an object, which is of equal importance to Spain and her islands, as well as to us. To the contrary, it should be expected that they will faithfully co-operate in such measures as may be necessary for the accomplishment of this very important object. Whatever measures, however, may be resorted to by the United States, the first thing necessary to secure success, is to protect, countenance, and support the officer employed to execute them; and in any measures which he may adopt requiring energy of action, he ought not to be discouraged and degraded by punishment before complaint, or removed from his command without being allowed the opportunity of explaining his reasons for his conduct. Without such assurance, no officer in his senses would willingly undertake the delicate duties which I have been performing; and if compelled, would, from his apprehensions of sharing my fate, scarcely meet the expectations of the Government and people of the United States. The discouraging circumstance of my removal for the offence of landing on Porto Rico, and punishing the accessories of pirates, the authorities of Foxardo, may have a much more important effect in retarding the suppression of piracy than is at present apprehended. So long as the governors and people of the small towns of Porto Rico and Cuba are satisfied that they may imprison us with impunity, and that punishment certainly follows any attempt on our part to obtain redress and security to our persons, so long the suppression of piracy is impossible; and he who on those terms is willing to undertake it, loses sight of his own respectability, and of the respectability of his nation and flag.

I have satisfactorily shown that, by the laws of nations, I had a right to land on the shores of Porto Rico, in pursuit of my enemy. I have shown that, against the enemy, in pursuit of whom I was authorized to land, war had been formally declared by my country. I have shown that the allies, aiders, abettors, &c., of this enemy were, by the laws of nations, and of England, and by mercantile laws, also my enemies, and liable to the same punishment as their principals. I have in fact, shown that, by the laws of nations alone, I was perfectly justified in landing and chastising, *even to hanging*, the authorities of Foxardo. I have further shown that, without even the formality of a declaration of war, and without even being ordered by their government, but merely on their own will and sense of right, other officers, under similar circumstances, have invaded foreign territory, and committed acts of war, and their motives being good, their conduct was approved of, on their own representation of it. I have now to show that, besides national and civil law, open declaration of war and precedent, to support me, I have orders to pass the territorial boundary of a foreign nation, in pursuit of pirates, or those whom I have just cause to suspect of being such, to seize and bring them to justice; and, in the event of the local authorities refusing to prosecute such persons, I am then ordered to take them from such territory, on board the vessels under my command. The orders are full and explicit, and, in the absence of other justifying circumstances, I should be willing to rest the defence of my conduct on them alone. The following are the orders, alluded to, dated Feb. 1st, 1823:

[Extract.]

SIR: You have been appointed to the command of a squadron, fitted out under an act of Congress, of the 20th of December last, to cruise in the West India seas, and Gulf of Mexico, for the purpose of repressing piracy, and affording effectual protection to the citizens and commerce of the United States. Your attention will also be extended to the suppression of the slave trade, according to the provisions of the several acts of Congress on that subject; copies of which, and the instructions heretofore given to our naval commanders thereon, are herewith sent to you. While it is your duty to protect our commerce against all unlawful interruptions, and to guard the rights both of person and property of the citizens of the United States, wherever it shall become necessary, you will observe the utmost caution not to

encroach upon the rights of others; and should you, at any time, be brought into discussion or collision with any foreign power, in relation to such rights, it will be expedient and proper that the same should be conducted with as much moderation and forbearance as is consistent with the honor of your country, and the just claims of its citizens.

Should you, in your cruise, fall in with any foreign naval force engaged in the suppression of piracy, it is desirable that harmony and a good understanding should be cultivated between you; and you will do everything on your part, that accords with the honor of the American flag, to promote this object.

So soon as the vessels at Norfolk shall be ready for sea, you will proceed to the West Indies by such route as you shall judge best, for the purpose of effecting the object of your cruise. You will establish at Thompson's Island, usually called Key West, a depot, and land the ordnance and marines, to protect the stores and provisions. If, however, you shall find any important objection to this place, and a more suitable and convenient one can be found, you are at liberty to select it as a depot.

You will announce your arrival and object to the authorities, civil and military, of the Island of Cuba, and endeavor to obtain, as far as shall be practicable, their co-operation, or at least their favorable and friendly support, giving them the most unequivocal assurance that your sole object is the destruction of pirates.

The system of piracy which has grown up in the West Indies has obviously arisen from the war between Spain and the new governments, her late provinces in this hemisphere, and from the limited force in the islands, and their sparse population, many portions of each being entirely uninhabited and desolate, to which the active authority of the government does not extend. It is understood that establishments have been made by parties of these banditti in those uninhabited parts, to which they carry their plunder, and retreat in time of danger. It cannot be presumed that the government of any island will afford any protection or countenance to such robbers. It may, on the contrary, confidently be believed that all governments, and particularly those most exposed, will afford all means in their power for their suppression. Pirates are considered by the laws of nations the enemies of the human race. It is the duty of all nations to put them down; and none who respect their own character or interest will refuse to do it, much less afford them an asylum and protection. The nation that makes the greatest exertions to suppress such banditti has the greatest merit. In making such exertions, it has a right to the aid of every other power to the extent of its means, and to the enjoyment, under its sanction, of all its rights in the pursuit of the object. In the case of belligerents, where the army of one party enters the territory of a neutral power, the army of the other has a right to follow it there.

In the case of pirates, the right of the armed force of one power, to follow them into the territory of another, is more complete. In regard to pirates, there is no neutral party; they being the enemies of the human race, all nations are parties against them, and may be considered as allies. The object and intention of our government is to respect the feelings as well as the rights of others, both in substance and in form, in all the measures which may be adopted to accomplish the end in view. Should, therefore, the crews of any vessels which you have seen engaged in acts of piracy, or which you have just cause to suspect of being of that character, retreat into the ports, harbors, or settled parts of the islands, you may enter, in pursuit of them, such ports, harbors, and settled parts of the country, for the purpose of aiding the local authorities or people, as the case may be, to seize and bring the offenders to justice, previously giving notice that this is your sole object. Where a government exists and is felt, you will, in all instances, respect the local authorities, and only act in aid of, and co-operation with them; it being the exclusive purpose of the Government of the United States to suppress piracy, an object in which all nations are equally interested; and, in the accomplishment of which, the Spanish authorities and people will, it is presumed, cordially co-operate with you. If, in the pursuit of pirates found at sea, they shall retreat into the unsettled parts of the islands or foreign territory, you are at liberty to pursue them so long only as there is a reasonable prospect of being able to apprehend them, and in no case are you at liberty to pursue and apprehend any one after having been forbidden so to do by competent authority of the local government. And should you, on such pursuit, apprehend any pirates upon land, you will deliver them over to the proper authority, to be dealt with according to law, and you will furnish such evidence as shall be in your power, to prove the offence alleged against them. Should the local authorities refuse to receive and prosecute such persons, so apprehended, on your furnishing them with reasonable evidence of their guilt, you will then keep them safely and securely on board some of the vessels under your command, and report, without delay, to this Department, the particular circumstances of such cases.

I think, after an attentive perusal of the foregoing orders and instructions, no one will accuse me of having gone beyond the authority given to me, by intimidating the authorities and inhabitants of a town which, from being the rendezvous of pirates and robbers, and from the course taken by the people and authorities to defeat the object of those sent in search of them, truly deserve the name of *piratical*.

I am ordered to protect not only the property but the persons of our citizens. Will it be denied that Lieut. Platt and the other officers under my command are American citizens, and entitled to my protection? And how could I have protected them had I overlooked the conduct of the Foxardians?

Difficulties were apprehended by the government in the performance of the duties confided to me, and in any collision with foreign powers, I am instructed to conduct myself with as much moderation and forbearance as is consistent with the honor of my country, and the just claims of its citizens.

The violence and insult offered to my country, in the person of Mr. Platt, it was made my duty to notice, and in the performance of this duty, I did conduct myself with the greatest moderation and forbearance: the guns of the battery were not spiked, until self-preservation made it necessary for me to spike them; and so soon as the apology of the authorities of Foxardo was received, and assurance of respect and protection for the future were given, I retired. No complaints of violence of proceeding have been offered against me by the Spaniards—a sure evidence that they had no cause of complaint, even if I had no testimony to offer in my favor; but as to the moderation of my conduct, and the precautions taken by me to preserve it in others, the testimony is ample.

In the former part of these remarks, I have touched on the other parts of my instructions; I deem it therefore unnecessary to make any further comments; they are before the reader, and he can judge whether I have transcended them or not, and whether I should not have failed in my duty, had I not pursued the course I did at Foxardo.

I have as yet said nothing as to my motives. The motives of General Jackson, it is said, were

founded in the "purest patriotism;" and it is presumed, the motives of the other officers I have cited were equally pure, or their conduct would not have been approved; how their motives were ascertained, except from their conduct and assurance, I do not know. On my own part, I offer no assurances, but leave every one to judge of my motives by my conduct alone. Had my motives been bad or mischievous, I should have proceeded directly to hostilities, without giving notice to the authorities at Foxardo, and allowing them time to choose between the two alternatives offered them; and I should not have taken the precaution I did to guard the persons and property of the inhabitants of Porto Rico from injury. Had, in fact, my motives been bad, I should have insisted on severer terms than those I exacted; and I should not have retired immediately after the concessions and assurances were made, but should have remained there, to enjoy the intimidated, humble and degraded condition of the authorities and the people.

That my motives were disinterested, is certain from the circumstances of my confining myself to the single object of protection to the persons of our citizens. I had nothing personally to hope for or to gain by securing *their* safety; and I had certainly much to lose in making the attempt, for *I placed my life at hazard.*

If I have failed in justifying myself, I trust that the failure will be ascribed to the peculiarly delicate duties which have been confided to me, involving nice and intricate questions of national rights, and a zealous desire to act fully up to the wishes of the government, and not from a wish to act in opposition to its views, or to infringe on the territorial rights or immunities of others. Should there appear the slighest evidence of my having, for a moment, willfully disregarded what was due to my own country, and the respect due to the government of Spain, I shall submit with resignation and cheerfulness to the severest punishment that can be inflicted on me, if it even extends to depriving me of my commission, which I should then be unworthy of bearing.

For merely doing my duty, I have never asked nor expected any reward, beyond the approbation of my country; and if it should appear that I have, in this instance, done no more than my duty, I confidently hope and expect that I shall escape all punishment, beyond what I have already felt.

I have stated all the grounds, which, in my opinion, justified my undertaking the expedition to Foxardo. I acted on letters of an official character, already referred to, and statements which I had no doubt could be relied on. I acted on what I believed a fair construction of the laws of nations, the intention of those who framed my orders, and the public voice. I did not think it necessary to go through the formality of collecting evidence on oath, to justify me in the attempt I was about making to secure in future our officers from insult. Had I done so, my object would have been defeated in the time that would have elapsed, and the alarm that would have been excited by an inquiry which could not have been kept secret.

Promptness was necessary, and I felt satisfied that the letters which I already possessed were a sufficient justification for my proceedings.

The following documents, which have been rejected by the court, and which I do not now offer in vindication of my conduct, but in confirmation of the letters of Lieutenant Platt, Mr. Cabot, and Mr. Bergeest, are so full on the subject of the robberies and piratical depredations from Foxardo, and the piratical character of the authorities and people of that part of Porto Rico, that I deem it unnecessary to make any comment on them. The complicated system of villany they unfold is disgraceful to the nation to which they belong, and a continuation of it will be disgraceful to the rest of the world, and particularly to those nations most exposed to their depredations. The pirates of Cuba, of Algiers, Tunis, and Tripoli, offer no parallel.

REJECTED DOCUMENTS.

ST. THOMAS, *February* 16, 1825.

Captain David Porter, U. S. Navy:

SIR: Agreeably to your request, we have collected and put into the hands of Lieutenant Commandant Platt, all the testimony regarding the various depredations which have been committed upon this place by the inhabitants of Foxardo and its vicinity, which the present unsettled state of this place will permit from the unfortunate fire. We will now repeat what our Mr. Cabot had the honor of verbally acquainting you, that our store was broken open and robbed of a considerable amount of valuable property, on the night of the 24th October last, all of which belonged to the citizens of the United States. Being fully convinced who the perpetrators of this act were, and the course our goods had taken, from the well known character of the inhabitants of Foxardo, and the facilities *believed* to be rendered by the government of that place, we requested Lieutenant Commandant Platt to aid us in the recovery, which he very generously consented to. The circumstances of his reception and treatment at that place you will receive from Lieutenant Platt. We would now add, that about ten days since we received information which may be relied upon, that John Compis, of that place, a man whose wealth gives him consequence, and even the then alcalde of the place, from *interested* motives, or otherwise, forbore to put in force any claim against him, was the actual receiver of our goods, and that he, at the time Lieutenant Platt was there, *had them in possession.* It will be recollected that this said Compis is the man to whom our clerk was introduced by Messrs. Bergeest and Uhlhorn, of this place, and who has been the agent of most, if not all the houses in this place, who have been robbed, to obtain justice for them, and he has written us for a power of attorney to act in our place. Three or four days since we received a message from a man in power in that place, whose name is suppressed, but who, we believe, is the present alcalde of Foxardo, (the alcalde in office at the time of your visit is removed,) offering to obtain the value of the goods stolen if we would relinquish to him one-half of the amount recovered. This we have consented to, and have no doubt but it will be accomplished.

We request you not to give any greater publicity to this letter, and the documents you will receive, than is actually necessary; for the lives of the parties would be endangered.

We have the honor to be, sir, with respect, your most obedient servants,

(Signed) CABOT, BAILEY & CO.

Personally appeared before me, John G. Bailey, of the firm of Cabot, Bailey & Co., who solemnly swore to the truth of the contents of the foregoing letter.

JOHN D. SLOAT, *Lieutenant Commandant United States Navy.*

ISLAND OF ST. THOMAS, *February* 18, 1825.

St. Thomas, *February* 17, 1825.

Dear Sir: Enclosed I hand sundry documents, obtained at the request of Lieutenant Platt; and should I hear of anything that I consider of service in this business, I shall procure a deposition and forward the same.

I waited on the governor and the judge, in company with Captain Sloat, to obtain extracts from records in the governor's office, as well as any court proceedings taken in the trial of the pirates, which might fix the thing in Foxardo, but we were informed there was none. But if you think it of utility, (and I have no doubt but strong proof can be obtained from said trial, as to the character of the inhabitants of Foxardo,) you can obtain any document you may require, provided the demand is made to this government through the Danish minister, residing in the United States.

In the piratical business, which was discovered here, a Foxardo boat made the principal figure; which boat and her crew are now here under arrest. Piracies continue frequent on the east and south coast of Porto Rico, committed by open boats and a small schooner. One sloop loaded by my house, has been captured, and the captain and crew have not since been heard of. She left this on the 7th ult., for Ponce, and on the 10th, the telegraph at Ponce signalized a sloop captured in sight. She was seen a few days after drifting near Cape Rox—masts cut away, and no one on board of her; since which, one was captured from this, off Guayama, bound to Ponce; and report says, that a brig is to windward of "Dead Man's Chest," a prize to them. The Shark will ascertain the truth of this last report. She left this yesterday morning.

Our town was half burned to the ground on the 13th instant; and we may thank Captain Sloat and his crew for the preservation of the balance, although not much is said about it in the papers. The fire took in the centre of the town, and burned to the west end.

With a tender of my services here, if required,

I remain, with respect, your most obedient servant,

(Signed) W. FURNISS.

To Commodore David Porter, *Washington.*

St. Thomas, *February* 16, 1825.

W. P. Furniss, Esq.:

Sir: It was on the evening of the 4th, or morning of the 5th May last, my store was broken open, and goods to the amount of $1,200, along with my iron chest, containing about $300, in gold, besides a number of valuable papers, were carried off. A person by the name of Pedro Cabrero, a Spaniard, offered his services to secure the parties, who he said had gone to Porto Rico; and he was fortunate enough in securing the most of my papers, which he brought back, along with a few pieces of handkerchiefs. He got them in Foxardo, or close to it: the chest they had broken in pieces, and the papers were found near to it. The handkerchiefs were identified by a sample which Mr. Cabrero carried with him. Some people who were supposed to have been accessory, were taken up and lodged in jail, in the city of Porto Rico, but what was ultimately done with them I have not since learned.

I am, sir, your most obedient servant,

(Signed) ROBERT ALEXANDER.

P. S.—Enclosed you have a letter from Mr. Cabrero, addressed to me.

Mr. Robert Alexander, of St. Thomas, merchant, being duly sworn upon the Holy Evangelists of Almighty God, doth solemnly depose and say, that the contents of the foregoing letter, by him written, are just and true.

ROBERT ALEXANDER.

St. Thomas, *February* 17, 1825.

I, John D. Sloat, commander of the United States schooner Grampus, do hereby certify that the foregoing deposition was this day duly sworn to, and subscribed in my presence.

Given under my hand at St. Thomas, this seventeenth day of February, one thousand eight hundred and twenty-five.

(Signed) J. D. SLOAT.

Metr Alesandro heman, da do el Plie go al jenera. Y me manda a desir que me presente yno he Podi do ber i i carlo Por ayame en ermo Pero sinenbar Go eldia Primeers del entrante Pienso ni Por loque tendra. V labor da de man dar me loque hubiere reunido entre los ynteresados con el Portador Jabor que quedare re conosido.

S. S. S. S. que S. B.

(Signed) PEDRO CABRERA.

Saint Thomas.

By request of Lieutenant Commandant Charles T. Platt, of the United States schooner Beagle, J. S. Cabot, acting for Nathan Levy, vice consul of the United States for this island, did call and cause to come before me J. F. C. Bergeest, of the firm of Bergeest and Uhlhorn, of this island, who did solemnly declare that, on the night of the 12th January, 1823, their store was broken into and robbed of merchandise and their iron chest, containing money and all valuable papers, at no less amount than $100,000.

The perpetrators of this act were, about a month afterwards, discovered in the neighborhood of Foxardo, where the goods were sold, but they have never been able to recover any proportion of them. Their papers were found on their wharf, on the 28th February ensuing. He also gave as his opinion, that Naguabo, near Foxardo, has for a length of time been the receptacle of stolen goods; and it is beyond a doubt that all the robberies which for some years have been committed in this island, particularly that upon the store of Cabot, Bailey & Co., was by the inhabitants of Foxardo, or its neighborhood, and to which place the goods were carried.

In testimony of the verity of the foregoing, he has annexed his signature.

J. F. C. BERGEEST, *Partner of Bergeest & Uhlhorn.*

I, Stephen Cabot, do identify the same under my official seal and signature, this seventeenth day of February, one thousand eight hundred and twenty-five.

STEPHEN CABOT,
Per his Attorney, JNO. G. BAILEY.

ST. THOMAS, *February* 17, 1825.

Mr. A. Saubot, and Mr. Jean Joubert, of the house of Saubot, Joubert & Co., of St. Thomas, merchants, being severally duly sworn upon the Holy Evangelists of Almighty God, do, and each of them doth solemnly depose and say that, on or about the night of the twenty-fifth day of March last past, their store in St. Thomas was broken into by some person or persons unknown to them, and robbed of divers articles; and that among those articles was their iron chest, in which they usually kept their papers and money; that, afterwards, the bills of exchange and other papers which were in their iron chest at that time were received by them from Foxardo; that these papers were said to have been thrown into the house of Lieut. Col. Don Julian Villodas, commissioned by the government of Porto Rico to make investigation and inquiry, at Foxardo and the neighborhood, respecting robberies committed at St. Thomas, the plunder of which was said to be carried there. And these deponents further solemnly swear that several double Louis d'or, which were also in their iron chest belonging to them, and carried away at the time of the robbery aforesaid, were afterwards received at St. Thomas, to their certain knowledge, from the coast and neighborhood of Foxardo; and that they verily believe the whole of the property of which they were at that time robbed was carried to Foxardo, or its vicinity.

(Signed) AUG'T SAUBOT.
J. JOUBERT.

I, John D. Sloat, commander of the United States schooner Grampus, do hereby certify that the foregoing deposition was this day duly sworn to and subscribed in my presence.

Given under my hand at St. Thomas, this seventeenth day of February, one thousand eight hundred and twenty-five.

(Signed) JOHN D. SLOAT.

ST. THOMAS, *February* 17, 1825.

Mr. Robert Browne, a partner in the house of Messrs. Ellis, Gibson & Co., of St. Thomas, merchants, being duly sworn upon the Holy Evangelists of Almighty God, doth solemnly depose and say that, on or about the night of the eighth day of January, 1824, their store was broken into, and robbed of divers articles of goods and merchandise, which were traced to Foxardo, Naguaba and Caguas, on the eastern coast of Porto Rico; that the goods and robbers were sent to the city of St. Johns, where the goods were identified by Mr. Gibson, another partner in the same house, who was there at the time—this deponent having written to him respecting them; that the robbers broke out of jail in the city, and that some were afterwards retaken; that a suit is still going on for the recovery of the aforesaid stolen goods, valued at about three thousand five hundred dollars, the costs of which are upwards of eleven hundred dollars, against the purchasers of those goods, who are responsible people in Foxardo, Naguaba and Caguas—but as yet without the recovery of any part thereof. And this deponent further solemnly deposes and says, that he is convinced, from the information received by his house, that the late robberies in this place have been committed by some of the same gang, and the goods secreted along the coast about Foxardo, Naguaba, Caguas, &c., &c.

ROBERT BROWNE.

I, John D. Sloat, commander of the United States schooner Grampus, do hereby certify that the foregoing deposition was this day duly sworn to and subscribed in my presence.

Given under my hand, at St. Thomas, this seventeenth day of February, eighteen hundred and twenty-five.

(Signed) JOHN D. SLOAT.

ST. THOMAS, *February* 15, 1825.

Messrs. Cabot, Bailey & Co.:

GENTLEMEN: In consequence of your Mr. Bailey having applied to us for the particulars we have elucidated regarding the robbery of our store, on or about the eighth January, 1824, we beg leave to refer you to the enclosed letters:

Nos. 1 and 2, dated Paynas, January 23, 1824; No. 3, dated Foxardo, March 27, 1824; No. 4, dated Foxardo, February 9, 1824.

You can make what use you please of the above letters, only the writer's name *must* be kept a profound secret. The suit against the receivers and purchasers of the stolen property is still going on in the city of Porto Rico, where the goods seized on the coast have been identified by our Mr. Gibson, now absent on the main.

We are, gentlemen, yours, respectfully,
(Signed) ELLIS, GIBSON & CO.

Personally appeared before me, Stephen Cabot, acting for Nathan Levy, vice consul of the United States for this island, Robert Browne, of the firm of Ellis, Gibson & Co., who acknowledged his signature to the annexed letter, and declared that the letters attached are the originals received by the firm.

In testimony whereof, I have hereunto affixed my official seal and signature, this seventeenth day of February, one thousand eight hundred and twenty-five.

STEPHEN CABOT,
Per his Attorney, JNO. G. BAILEY.

No. 1.

[Translation.]

Mr. ———— to Mr. John O'Kelly.

CAGUAS, *January* 23, 1824.

MY FRIENDS: In consequence of your favor of the twelfth current, relative to the robbery of our friend Gibson, committed on his store at St. Thomas, I have, from the moment of my receiving it, used the most efficacious means to discover some clue by which I might be enabled to find out, with certainty, the thieves or receivers of the plundered property; and I have obtained from credible persons, positive information of the place where there is a considerable of the effects, and indications of the direction which has been given to the rest; in this understanding, and not to risk the judicial proceedings in suspicious hands, I resolved that you should, in the name of Gibson, request of the captain general a commission, that should exactly include Lieutenant Colonel Dr. Julian Villoda, the bearer hereof, and with whom you shall be understood at the time which I shall direct therefor.

The same Villodas shall move some causes that the commission be decreed as soon as possible, and come to join me in this town, to go afterwards to Foxardo. The accompanying memorial will serve you to make a fair copy, and present it to the captain general, which being decreed accordingly, shall be delivered to the same Villodas. I charge you particularly, to take measures to conceal my name in this business, because it is proper for my interests and the preservation of my relations.

Your most obedient servant.

P. S.—I have punctually notified our friend of the steps which I have taken, and of the commission sought by your means, that he may understand the whole colon.

CAGUAS, *January* 23, 1824.

William Gibson, Esq.:

DEAR SIR: Your favoured of the 12th instant, I have duly received, by which I am extremely sorry to find your store was robbed in the night of the 8th. In consequence of said letter, I have made my utmost efforts to discover the thieves. I have luckily succeeded in a great measure, by which reason I proceeded to obtain, from the governor, a commission on a friend et a person of confidence, considering this the only step that may be prudently adopted to make the recovery; to the purpose, I have on this date wrote to our friend, T. O'Kelly, a letter, of which the enclosed coppy will fully informed you. The principal robber, Manuel Lamparo, (a negro,) was in gaol at Naguabo, in the 20th instant, who was very badly wounded by the people that praised him. I have no doubt h' is now dead. I his declaration; he said he was the only person that robbed your store, Mr. Soussron's, et others; but would not complicate no other, or either say where goods were; however, I hope, within a few days, to have the pleasure of noticing yoy the capture et recovery of robbers et gods.

I might have saved you the expenses of a mission by acting myself, but I assure you this is a very desagreeable et trascendental bussiness in this island, on which account I have acted accordingly as you may perceived in the inclosed coppy.

The commissioner is a colonel of the expedicionary army of Spanish Main, to whom I shall have to pay, et will therefore draw on you accordingly as it may be necessary.

Be please send me by the first opportunity the articles contained in the enclosed list, directed to D. Juan Torres to the care of D. Jorre Turull by one of the wessells trading to the city.

Meanwhile remain, dear sir, your ob't h. s't.

No. 3.

[Translation.]

Mr. ———— to Mr. William Gibson.

FOXARDO, *March* 27, 1824.

MY DEAR FRIEND: I take up the pen to give you an account, and inform you circumstantially of the researches which have been made concerning the robbery which was committed in your store on the night of the —— day of January last.

From the judicial proceedings had for that purpose, it appears clearly and legally and justly proved who were the robbers; to what point they conducted the whole of the robbery to its distribution among them; what portions were introduced by the coasts within the jurisdiction of this town, and what by those of Naguabo; who were the assistants in the carrying, landing, and concealing, and who the purchasers. Among these last the very persons have been denounced.

Those who committed the robbery even in that island: John and Birian, negroes, a Catalonian named Pan, an Englishman named Duato, another named James, and Manuel Lamparo, black. The whole of the robbery was committed at the Island Pines, in a boat which it is doubtful whether it were Antonio Gamboa's, or that of an Italian Yorgi. In that island the robbers distributed the plunder, dividing it into equal parts, having introduced it into this island by the ports of Naguabo and those of this district.

The purchasers of the plundered effects were in Naguabo, Dr. Itto Pachot, Dr. Francisco Pacheco, and Dr. Jose Estebaty Fout; and in this district, Dr. Juan Gufao, all those who had open shops of merchandize y chandlery. Pachot, Pacheco and Gafao, have themselves announced the effects which they purchased, specifying them article by article, what each article cost, and at what they sold them.

With respect to the purchasers who did not themselves announce, the acknowledged goods have been stopped with them; and as to those who have announced them, as they are subject to acknowledged responsibility, and having themselves announced them, their goods have not been stopped, as all united have to answer and pay the total value of the robbery, and the damages and costs occasioned in the investigation.

Also the goods belonging to the Englishmen, James and Duate, have been arrested, consisting of a small portion of land and a slave. And likewise of two inhabitants of Naguabo, named Ravelo and Garcia, which consist of another certain portion of land. Moreover one Guayro has arrested a sufficiently large quantity of the property of Antino Gamboa. This man, although he was not one of the gang who committed the robbery in your store, is one of those belonging to it, and has proved that he transported in the same Guayro, to the Island of St. Bartholomew, the robbers Birian, Juan, and the Catalan, Pan, to place them in safety.

The robber, Manuel Lamparo, has declared that in that island he has belonging to him, in the possession of his wife or concubine, named Paulina, two slaves, and the boat which he sails. This Paulina is the mother of six children of Lamparo's, of which I inform you, that you may secure the negroes, boat and other goods, which are known to be Lamparo's.

Of the effects plundered, there have only been recovered one ordinary cloak, two Levitas frock coats, one shirt and undress of Irish linen, and six Irish fowling pieces, and a pair of pistols.

The effects confessed by the same purchasers are the following:

D. Itto Pachot, 2 pieces cloth, 2 pieces Irish linens, 1 piece Brittannias; D. Francisco Pacheco, 2½ pieces of cloth, 1 piece rouen, 1 piece coleta; D. Juan Gufao, 2 pieces coleta, 2 pieces rouens, 3 pieces Irish linens, 2½ pieces of cloth, 3 pieces handkerchiefs, 5 Levitas frock coats, 1 coat, 1 pair of pistols; D. Jose Esteva and Foute, who has not confessed, but justified to the evidence, 2 pieces cloth, 5 pieces Irish linens.

Hence you will infer how little they have confessed; but the law condemns them to answer for what is wanting, and to suffer some infamous punishment, in which they will probably have indulgence as far as they have confessed.

From these investigations there are confined in the prisons of Humacas, Naguabo, and the city of Porto Rico, Antonio Ravelo, Antonio Barbosa, Dr. Francisco Garcia, Dr. Jose Garcia, Santiago Damaso, Dr. Esteban Tons, Tiburcio Castillo, Antonio Castillo, Magdalena Castillo, James and Manuel Lamparo. These two last are robbers, the rest are fugitives.

There remains, then, nothing else in the business, but to pursue some other legal forms, by which everything proper may be done to discover all the robbers, purchasers of the stolen property, and how far they have co-operated in the crime. The said formalities being concluded, the person commissioned will take the voluminous writing made, the few effects seized, and the accused, and will place the whole in the hands of his excellency, the captain general, who will pass the process to jurist, that he may consult on the decree which ought to be made according to law; and it is very natural for you to appear as the actor, not only to demand what has been found and purchased, but also to establish the importance of the property stolen, with the costs besides, all which the purchasers have to pay who have confessed, and those who have not confessed what they have, twenty times the amount of the property stolen. That this may be concluded with the speed which you ought to desire, it will be proper for you to come in person as soon as possible, to give your personal presence to the affair, to come to the city in company with the commissioner, and before the affair is presented to the captain general, to submit it to an advocate, to give it beforehand the proper forms.

My friend, the commissioner, has had the most fortunate issue that could have been expected. You can calculate on the recovery of the value of the stolen property. I am delighted in having been the agent in this business. The commissioner charged with the summary information, is worthy, very worthy, of our acknowledgment, because of the probity, efficacy and honor with which his proceedings have been marked; he has added a prudence as well as artful cunning to come at a complete discovery of the whole.

I am, &c.

P. S.—Of this same date and according to letter of advice, I have drawn on you, in favor of Dr. Ramon de Alustiza, for the sum of $250, which sum I shall deliver to the commissioner on account of his trouble.

(No. 4.)

[Translation.]

Mr. —— —— to Mr. John O'Kelly:

FOXARDO, *February* 9, 1824.

MY ESTEEMED FRIEND: You could scarcely suppose the progress which to this date our investigations have made by means of the commission which I mentioned to you in my last, and to what effect your favor

in favor of D. Julian O'Kelly was used. At this moment the authors of the robbery are known to be James and Manuel Lamparo; they are prisoners in the capital, with the greatest injunc ions on our part for their security, and the other accomplices have embarked, and we do not lose the hope of taking them soon, according to information that they must return. Some remnants and pieces have been recovered, and others, that have passed to second and third possessors, must be made good by the mala fide purchasers against whom the commission is proceeding. This impulse, from the recommendation of the government and from the desire of serving you particularly, loses no vigilance nor a moment in your service, yet we have still much to discover because most of the effects are already dispersed.

Under date of the 23d of January, I wrote to you from Caguas; and, for the more complete termination of the business, it is absolutely indispensable that what I then mentioned should be attended to, not forgetting to furnish me, as I told you, for the expenses which are incurred, and of which I have already paid a part, an account of which I shall produce in proper time

In virtue of the offer made by you in the newspaper to him who should discover the robbery, I have not hesitated to make it to the commissioner in particular, justly thinking that you must approve it; for, although it ought not to be offered as a stimulous, it ought justly to be given him as an indemnification for his extraordinary efforts—efforts which alone could have brought the business to the state in which it is. I hope, therefore, that you will answer me circumstantially, and as soon as possible, upon each of the points of this and my former.

The enclosed will serve you to direct it with safety to its title, because it extremely concerns me. If with the bearer you can send me two matresses for a bedstead, I will acknowledge it, or on another occasion secure it.

U. S. SCHOONER GRAMPUS, *St. Thomas, February* 4, 1825.

SIR: I heard, with great regret, that you have been recalled from the command of the West India squadron, on account of the Foxardo affair; since which, I have every day been more and more satisfied of the propriety and necessity of treating these people in that way. There is not the least doubt but the authorities of that place were concerned with, or, at any rate, under the complete influence of, Compus, a rich and influential merchant, who, we have since ascertained to a certainty, had the goods of Cabot, Bailey & Co., at the time of Captain Platt's visit there, and that he was, no doubt, the cause of his and Mr. Ritchie's being confined, to prevent their getting information, and to induce them, with the young man sent from St. Thomas in the Beagle, to leave the place as soon as released. The new commandant of Foxardo has recently sent a person to St. Thomas, to negotiate with Cabot, Bailey & Co. for the recovery of the property, and has entered into a written agreement with them to prosecute this man, and to be at all the trouble and expense, for one-half of what he gets. He says he can prove, beyond the possibility of doubt, that this man had the goods; this, of course, must be kept secret at present. Bailey has entered into this agreement by the advice of the government of St. Thomas; and, after he obtains as much of the property as he can, the governor is to demand of the government of Porto Rico the remainder of the property, and the punishment of Compus. These, and many other circumstances about these people, have come to my knowledge, that may perhaps be serviceable to you in the investigation that is said to be intended about the affair; and I assure you it will give me much pleasure to throw any light on the subject in my power.

Very respectfully, I am, sir, your obedient, humble servant,
(Signed) JOHN D. SLOAT.

To Commodore DAVID PORTER, *U. S. Navy.*

[Extract.]

U. S. SCHOONER GRAMPUS, *St. Thomas, March* 12, 1825.

SIR: I have the honor to enclose you the deposition of the master and owner of the sloop Neptune, of this place. I have taken and forwarded it, thinking it may be serviceable to you in the investigation of the Foxardo affair, as it shows the character of the people of that vicinity. Since you were here, they have robbed and captured several small vessels belonging to this place, and fitted out one or two of them as pirates. Having obtained this intelligence, I procured two small sloops, such as are used in this trade, manned them, with the intention to examine all the small harbors of Crab Island, and the coast of Porto Rico, where the Grampus could not enter; and, as a decoy, my plan succeeded, and in Boca del Inferno Lieut. Pendergrast was so fortunate as to fall in with one of them, who gave chase to him. On coming near, however, he became suspicious, and tacked. Mr. Pendergrast then fired on him, which he immediately returned, and kept up the action for forty-five minutes, when he ran on shore, and they all jumped overboard, and swam to shore. They were nearly all killed or wounded; ten of those who escaped were taken by the soldiers, five or six of whom are wounded—amongst them the famous piratical chief, Cofrecine, who has long been the terror of the coast. The sloop I have taken is the new sloop belonging to the man that piloted us to Foxardo, and was on the stocks when we were there. He had just got her ready for sea, and had taken her a few miles from that place to take in a cargo, when she was taken from him. By the next opportunity I will send you his deposition.

With respects to Mrs. Porter, I am, sir, your obedient servant,
(Signed) JOHN D. SLOAT.

To Commodorge DAVID PORTER, *U. S. Navy, Washington.*

P. S.—Since writing the above, I have met with Captain Low, and have taken his declaration, which is enclosed.

Salvador Pastorise, of St. Thomas, being duly sworn according to law, deposes and says, that on or about the thirty-first day of January last, he sailed from St. Thomas in command of the sloop Neptune, of which he was owner, with a large cargo of provisions and dry goods, bound to Las Platillas, in the Island of Porto Rico, where he arrived in safety, and obtained a permit to dischage the cargo at Hobos, a small port within twenty-five or thirty miles of Foxardo. That going into Hobos, he was boarded inside of the harbor by a small piratical boat, containing eight or ten men, who continued firing into him from the time they were in musket shot until he was out of their reach with his small boat, which he got out and escaped in with his people, not, however, until he received a shot in the back of his head. That these pirates were not content with the capture of his sloop, but after putting four men on board of her, the rest of them pursued him and his people in their boat, with the intention, as this deponent believes, of putting them to death if they were overtaken. And this deponent further says, that he knows the persons of four, and the names of two of those pirates, which are Rovelto Cofusci, a creole of Porto Rico, and Pedro Salovi, an Italian, but married and settled in Porto Rico, about ten miles from Foxardo, and that the other two are creoles of Porto Rico. That he has not since seen his sloop, which he is informed and believes to be fitted out as a pirate, and cruising as such about coasts of Porto Rico, &c.

(Signed) S. PASTORISE.

I, John D. Sloat, commander of the U. S. schooner Grampus, do hereby certify that the foregoing deposition was this day duly sworn to and subscribed in my presence.

Given under my hand at St. Thomas, the s xth day of March, 1825.

(Signed) JOHN D. SLOAT.

John Low, of St. Thomas, being duly sworn according to law, deposes and says, that on or about the eighteenth day of February last he sailed from Foxardo, in Porto Rico, in the sloop Anne, of St. Thomas, of which he was master and owner, for Cape Rapalma, a small port within an hour's sail of Foxardo, for the purpose of getting a cargo, at which place he came to anchor, and at midnight of the twentieth, was there boarded and captured by a small piratical row-boat with eight men, the leader of whom robbed him of about twenty dollars from his pockets, and then obliged him and his people to jump overboard; they all fortunately reached the shore, where they remained until an opportunity offered for St. Thomas. On this deponent's arrival at St. Thomas, he reported the affair to the government, and on the first of this month sailed in this schooner in pursuit of his vessel, which had been fitted out and was cruising as a pirate, and was on board the sloop under the command of Lieutenant Pendegrast of this vessel, when his sloop was identified by him and recaptured from the pirates by that officer and his command, and on her arrival at this place delivered to him as the rightful owner.

(Signed) JOHN LOW.

On board the U. S. Schooner Grampus, St. Thomas, March 13, 1825.

I, John D. Sloat, commander U. S. schooner Grampus, do hereby certify that the foregoing deposition was this day duly sworn to and subscribed in my presence.

Given under my hand, on board the U. S. schooner Grampus, at St. Thomas, this thirteenth day of March, 1825.

(Signed) JOHN D. SLOAT.

ST. THOMAS, *March* 6.

DEAR SIR: Without doubt ere this you have my respects per Beagle, containing an account of the fire which took place on the 12th ult. We then supposed it was occasioned by accident; since which the frequent attempts to fire the remaining half has led a large part of the community to suppose that it was the work of an incendiary. The fact is, that this place and the neighborhood has, for a length of time, been frequented by pirates; and there exists, no doubt, but the frequent attempts (seven in number since the 12th), which have lately been made, have originated with the gang, part of which are lodged in the fort of this place.

On the 12th ult., during the fire, and when it was supposed it was gaining on the upper town, the pirates in the fort cheered, and appeared to be pleased that the success had been so great in the accomplishment of their views.

Business is completely at a stand, and will, I fear, continue so, till a more efficient force is sent on this station. The government of this island is without force. The prisoners now in the fort are nearly equal to the garrison; and although the governor is using every exertion for the preservation of the remains of the town, and is inclined to execute the pirates now in confinement, still the laws are not sufficiently strong to warrant him in so doing.

The gang on the coast of Porto Rico must now exceed eighty, and they have several small vessels in which they cruise.

The commander of the Grampus does all in his power, but the force is not sufficient; and if our government does not send out a larger force on this station, I fear that the flourishing trade from our country to this will be done up.

The inhabitants of this island are in a state of continual alarm. We are not only on the alert against fire, but fear that these desperadoes will attempt, during the flames, to assassinate the inhabitants. If you can influence the Secretary of the Navy to send us a further force on this station, you will confer a great favor on all the resident Americans.

In making known this communication, have the goodness to keep the name of the writer a secret, as the government use every means in their power to keep the true state of things from coming to the ears of the public, supposing it will be detrimental to the trade of the place.

With respect, I remain your most obedient servant.

To Commodore DAVID PORTER, *Washington.*

U. S. SCHOONER GRAMPUS, *St. Thomas, December* 12, 1824.

SIR: In pursuance of your orders of the the 15th November, 1824, I have the honor to report, that I visited Antigua and St. Christophers. I delivered your message to Governor Maxwell, who appeared to be very much gratified to hear from you. With regard to the prisoners there, I found, on inquiry, that in a fracas, two sailors on board an American brig, had beaten and wounded, with a knife, the cook, so that he died in about thirty-six hours after. An inquest was held, and, from the declaration of the dying man, and the testimony of another black man, gave a verdict of willful murder; since which time, (about seven months) these men have been confined. Finding the crime to have been committed within the jurisdiction of the English government, I did not believe it would be cognizable in our courts; and, as there could not be obtained any other testimony than that given before the inquest, which I did not believe would be received in our courts, even if the men could be tried, and as also it would subject the United States to a heavy expense for their maintenance, &c., ever since their confinement, I did not think proper to take them. They will now shortly be tried. Governor Maxwell was willing to give them up, but the chief justice thought they could not properly do so, and if they did, that the culprits would escape from our courts, for want of jurisdiction and testimony.

I enclose you the official account from Porto Rico of our expedition to that island. Several gentlemen I have seen from there informed me that it created a great sensation, and that Le Torres threatens to retaliate on the first American officer he can catch, by making him walk barefooted to Fajardo. The captain of the port and the military commandant have been broke and confined. The alcalde made his escape, and is now in this place. As I have no inclination to march barefooted to Fajardo, I cannot go to Porto Rico for water. I shall therefore be obliged to purchase it at this place, or go down to St. Domingo, which I think I shall do before long, as I intend to visit the Mona passage in a few days. We have nothing new on this station worthy of communication. Since you left, we have had so much blowing and rainy weather that I find my old suit of sails going so fast, that I feel it my duty to inform you that I shall not be able to make them hold out more than two or three months, at farthest, when, if I am not relieved, or receive orders to return home, I shall be obliged to incur a very heavy expense to get a new suit of sails at this place, to keep my vessel in a proper state of safety and efficiency. I beg, therefore, I may receive your instructions before that time, how to act. It is very easy to get orders to me by way of New York, by enclosing them under cover to Cabot, Bailey & Co., St. Thomas, and send them to J. Balestier & Co., No. 81 Pine street, New York. They will be sure to come by the first vessel. As the two houses are connected in business, he knows of every opportunity.

I have the honor to be, very respectfully, sir, your obedient servant,
(Signed) JOHN D. SLOAT.

To Commodore DAVID PORTER, *Commander-in-Chief of the Naval Forces of the U. S. in the West Indies and Gulf of Mexico.*

WASHINGTON, *May* 6, 1825.

* SIR: I have the honor to transmit to you a number of original letters and depositions respecting transactions at Foxardo, and the piratical character of the place.

I have the honor to be, your obedient servant,
(Signed) D. PORTER.

Hon. SAM'L L. SOUTHARD, *Secretary of the Navy.*

I shall now give a copy of my letter to the Captain General of Porto Rico, written, as will be perceived by the date, on my first arrival in the West Indies, and before the death of Lieut. Cocke, apprising him of the object of my visit, and calling on him for co-operation. I shall then give a correct copy of my letter to the governor of Foxardo, and a translation from the Gaceta del Gobierno de Puerto Rico, which bears evidence of being the production, and published by the authority of the captain general of that island.

After a perusal of the documents accompanying this defence, and being acquainted with the iniquitous conduct of the inhabitants of Porto Rico; after the neglect of the captain general to furnish that aid and assistance for the suppression of piracy which it was his duty to have afforded; after a knowledge of the object that took Lieut. Platt to Foxardo, and the only object that took me there, and after redress, and the only redress obtainable, had been obtained, who will dare to say that the lives and property of our fellow-citizens are safe in any part of the Island of Puerto Rico, while it remains under the government of a man so distinguished for his hostility to our country, and for his mischievous character, as Don Miguel de Torres, the undoubted author of the inflammatory production above mentioned? The Island of Porto Rico can be considered in no other light than as an island of pirates, of which he is their chief; and every nation who regards her own interests and the safety of her citizens, should unite in putting them down by blockade, reprisal, or, if necessary, by conquest.

If Don Miguel de Torres was of a virtuous and pacific disposition he would have taken the only proper means of obtaining redress, either through his own government or by a direct appeal to arms; but as he has thought proper to give way to his wild and uncontrollable feelings, and thereby exciting the malignant and mischievous propensities of those under his orders, placing, by his publications, the lives and property of the citizens of the United States in Porto Rico at hazard, he has lost sight of what was due to his own government, to humanity, to his character of a respectable chief, and forfeited his claim on this country for reparation, if any was due.

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* The above letter accompanied the documents rejected by the court.

U. S. Ship Peacock, *March* 4, 1823.

To his excellency, the Governor of Porto Rico.

Your Excellency: I have the honor to inform you that, in pursuance of orders from my government, I have taken command of all the United States naval forces in these seas, for the protection of the commerce of the United States against all unlawful interruptions; to guard the rights, both of property and person, of our citizens, whenever it shall become necessary, and for the suppression of piracy and the slave trade.

As great complaints have been made of the interruption and injury to our commerce by privateers fitted out from Spanish ports, I must beg your excellency to furnish me a descriptive list of vessels legally commissioned to cruise from Porto Rico, with a set of the blank forms of their papers, that I may know how and when to respect them, if I should meet with any of them.

I must also beg your excellency to inform me how far they have been instructed to interrupt our trade with Mexico and the Colombian republic, and whatever instructions or authorities they may have affecting our commerce generally.

As the suppression of piracy, the principal motive for my visit to these seas, is an object that concerns all nations, (all being parties against them, and may be considered allies,) I confidently look to all for co-operation whenever it may be necessary, or at least their favorable and friendly support, and to none more than those most exposed to their depredations. I, therefore, look with confidence to your excellency for the aid of such means as may be in your power for their suppression; and, in the absence of means, I beg to assure your excellency that, whatever course may be pursued by me to destroy these enemies of the human race, it will have no other aim; and I shall observe the utmost caution not to encroach on the rights, or willingly offend the feelings of others, either in substance or in form, in all the measures which may be adopted to accomplish the end in view.

It will afford me sincere pleasure, should I be so fortunate as to fulfill the expectations of my government, and at the same time preserve harmony and a good understanding with those with whom I may be so unfortunate as to come in collision or discussion in relation thereto. Indeed, it will add much to my happiness if it can be avoided altogether.

That such is my sincere wish, and that the objects set forth by me are the only ones which brought me to these seas, I beg leave to assure your excellency in the most positive and unequivocal terms.

With the highest respect, I have the honor to be,

Your excellency's very obedient, humble servant,

(Signed) D. PORTER.

U. S. Ship John Adams, *November* 12, 1824.

Sir: It has been officially reported to me that an officer under my command, who visited the town of Foxardo, of which you are the chief, in search of robbers and freebooters, who, with a large amount of American property, were supposed to have taken shelter there, and bringing with him sufficient testimonials as to his object and character, was, after they were all made known to you, arrested by your order by armed men, and shamefully insulted and abused in your presence by the captain of the port, after which he was sent, by your orders, to prison, and when released therefrom was further insulted and abused by the inhabitants of the town. His object in visiting Foxardo has by these means been defeated, and for these offences no atonement or explanation has yet been made.

The object of my visit is to obtain both, and I leave it entirely to your choice, whether to come with the captain of the port and the other offenders to me, for the purpose of satisfying me as to the part you have all had in this shameful transaction, or to await my visit at your town. Should you decline coming to me, I shall take with me an armed force competent to punish the aggressors, and if any resistance is made, the total destruction of Foxardo will be the certain and immediate consequence.

If atonement for the injury is promptly made, the innocent of the offences will escape all punishment; but atonement must and will be had, and, if it is withheld from me, they will be involved in the general chastisement.

I shall hold the town and vessels in the harbor answerable for any detention or ill treatment of the officers who bear this letter.

I allow you one hour to decide on the course you will pursue, at the expiration of which time, if you do not present yourself to me, I shall march to Foxardo.

I have the honor to be, with great respect, your very obedient servant,

(Signed) D. PORTER.

To the Alcalde *of Foxardo.*

Shameful aggression by Captain Porter, of the United States frigate John Adams, in violation of the rights of nations.

Porto Rico, *November* 23, 1824.

On the 14th of the present month, the commander of the United States frigate John Adams, displaying the flag of a nation with which we are at peace, and with which there was no appearance of our having declared war, anchored in the port of Fajardo with two schooners, landed a number of armed troops, and placing himself at their head, under specious pretexts, threatened destruction to the town, and to the lives of its inhabitants, who had no other bulwark but their own courage, and no other authority in their front but that of an alcalde and of a militia officer of the district. He carried his inconsiderate enterprise so far, (taking advantage of the surprise of the moment and of the state of peace in which we are with the nation whose flag waved over him,) as to spike the artillery, re-embarking when the people began to collect, by which he avoided the punishment which was his due. If his precipitate embarkation, and the weakness of the alcalde, (whom we cannot positively pronounce culpable, on account

of our not being yet acquainted with all the circumstances,) saved Captain Porter from the indignation of a people most atrociously insulted, and, for the present, from the punishment which the laws of society impose. The thinking world will judge of the criminality in both cases of the aforesaid Porter, as a public man, commanding the naval forces of a civilized nation, and as a private individual, according to the result of the facts we are about to relate.

Under date of the 30th of October, the alcalde of the aforementioned town of Fajardo, gave notice that at 8 o'clock on the evening of the 26th, the American war schooner Beagle, Captain J. Platt, had arrived at that port, having on board Mr. George Beafon, clerk in the house of Cabot and Bailey, in the Island of St. Thomas, with orders and recommendations from Mr. John Campus, of that place, in search of some goods said to have been stolen from the said house, on the night of the 24th–25th of March.

The captain of the port, (to whom, as well as to the other military authorities, vigilance was recommended on account of the number of vessels which, according to advices received, had been fitted out in the United States, under the flags of what are called the insurgent States,) had his suspicions of the brig, and requested the assistance of the alcalde to examine her papers; when finding them regular, he gave the schooner liberty to proceed on her voyage the same day.

Under the date of the 14th, he says, that at seven o'clock of that day, information was received of two American schooners with launches in tow, having passed the Isle of Palominos, which is in front of the port; that from these launches, bearing the American flag, one hundred and fifty armed men landed, and with a drum beating, marched to the town, where the people of the neighborhood had already begun to assemble, armed with whatever they could lay their hands on, and resolved, as good Spaniards, to sell dear the ground they occupied, when they observed a white flag borne in front, and having been commanded to halt, he went out and met an officer, who brought the alcalde a letter in English, a literal translation of which follows:

U. S. Frigate John Adams, *November* 12, 1824.

Sir: I have been officially informed, that an officer under my orders who visited the town of Fajardo, of which you are chief, in search of, which with a great quantity of American property were supposed to be secreted there, and carrying with him sufficient testimonials of his object and character, was, after he had made all known to you, sir, arrested through your orders, by armed men, and shamefully insulted and abused in your presence, by the captain of the port; and that, after he was sent away by your orders, and set at liberty, he was insulted and abused afresh, by the inhabitants of the town.

His object in visiting Fajardo has been frustrated through these means, and for these offences has been made neither expiation or explanation.

The object of my visit is to obtain both, and I leave it entirely to your choice, either to come with the captain of the port and the other offenders where I am, to give me satisfaction for the part which you have all had in this shameful affair, or to expect my visit in your town. If you, sir, decline to come to me, I shall take with me an armed force competent to chastise the transgressors; and if any resistance be made, the total destruction of Fajardo shall be the certain and immediate consequence.

If atonement for the injury is promptly made, those innocent of the offence shall escape all punishment; but there must and shall be an atonement, and if I am impeded, they shall be involved in the general punishment.

I shall hold the town and the vessels in port, if the officers who is sent with this letter be detained or ill treated.

I grant you, sir, an hour to decide on the subject, at the expiration of which period, if you do not present yourself in person before me, I shall march to Fajardo.

I have the honor to be, with great respect, your obedient servant,

(Signed) D. N. PORTER,

Commander of the Naval Forces of the United States on the Coast of Africa and Florida, in the Antilles and the Gulf of Mexico.

To the Alcalde *of Fajardo.*

The alcalde says that, to avoid the consequences with which he saw the town was threatened, he resolved to go and speak to Commodore Porter, with whom he held a conference in the most friendly manner, and, after having removed all difficulties, retired. After this he supposes they spiked the four pieces of artillery at the port.

Various persons who were present say, that Commodore Porter and the alcalde having interchanged invitations to partake of refreshments, the former accepted the invitation of the latter, passing to the town: but that when he arrived where the people of the neighborhood were collected, who had a cannon ready with a lighted match, and when he saw their boldness and resolution, he excused himself under various pretences and retired immediately.

It is inferred from the contents of Commodore Porter's letter, that he made his threat with the intention of taking command of the town, before disembarking; but he must now know the people of Porto Rico well enough to be convinced that even the small time he allowed them, might have cost him dear, and that only by abusing good faith and confidence in the friendly relations of the flag he bore, could he have succeeded in entering upon the territory without paying for it with the life of as many as were bold enough to make the attempt, and so was he in person at the head of his troops till they were commanded to halt at the entrance of the town.

The arrogant tone of Captain Porter, in his threat to the miserable alcalde of a defenceless town of a friendly nation, demanding satisfaction for an offence which is denied to have been committed, and satisfaction for which, even if certain, should have been exacted only from the sovereign, with arms in hand, is sufficient proof that his conduct has been a crime against the laws of nations and of honor.

If Captain Porter has acted as an officer of the navy of the United States, not only has he offended the Spanish nation, by violating its territory and committing hostilities and outrages, when it was reposing in the confidence that he brought peace with him, but he has committed an offence against all the recognized nations of the civilized world, and even against his own, by usurping sovereignty to which it only appertains, to change a state of peace to one of war.

It will be enough to tell Commodore Porter the laws which ought to be observed in respect to the rights of nations. "If a private person," says Vattel, "wishes to prosecute his rights in opposition to the subject of a foreign power, he can apply to the sovereign of his adversary, or to the magistrate who

exercises the public authority, and if he does not obtain justice he ought to apply to his own sovereign, who is bound to protect him."

"To take up arms," says the same author, "it is necessary, first, that we have just cause of complaint; secondly, that we have been denied reasonable satisfaction." And, in another place, he says, "To enter, with an army, into a neighboring country, which we have not threatened, and without having tried to obtain an equitable reparation for the wrongs we think we have received, will be to introduce a method fatal to humanity, and to destroy the foundation of the tranquillity and security of nations. If public indignation, and the agreement of civilized people, had not prescribed this mode of procedure, it would be necessary to remain always armed, and to be in the same state of preparation in full peace as in open war." Compare, for a moment, this doctrine with the contents of the letter of the American captain, and with his conduct, and you will see immediately the criminality which his proceedings involve.

Among the causes which the author from whom we have taken these doctrines, gives, as those which will justify a nation in having recourse to arms, is a just motive of complaint, of which reasonable satisfaction has been refused.

Independent of the want of authority in Captain Porter to make use of arms given him for other purposes, the cause of complaint rests in an injury which supposes to have been done to an officer under his command. According to another author, an injury to a person can be done in three ways, "either by denying him that which is his due; by depriving him of that which he lawfully holds; or by doing him an evil which there is no right to do unto him."

None of these three circumstances is observed in the case which Commodore Porter brings forward—and all three concur in his perfidious aggression. When the captain of the port of Fajardo wished to assure himself of the lawfulness of the proceedings of the schooner Beagle he used a very legal right, and to the exercise of which occasion was given by the nature of the vessel, by the character of the crews with which the enemy's vessels are manned, and by the advices, mentioned above, which had been received. But, applying this to Commodore Porter, we find him deny the governor of the island the indisputable right he has to administer justice; we find him usurp the exercise of this authority in a case of private property, depriving the people of the tranquillity they enjoyed, and his Majesty of the use of his arms, and committing hostilities without any authority.

To threaten the whole population of a little town with destruction if it did not give him a satisfaction which he has not obtained, and could not have obtained in the manner he solicited, whatever may have been the conduct of the alcalde of Fajardo, is to gainsay the opinion we had formed of Captain Porter, who we supposed to possess those noble, humane, and generous sentiments which are proper to a gentleman. But to abuse the good faith of the treaties under which we live, to employ force against weakness, and then to retire without accomplishing his object, and without fulfilling his duties as a commander, when he saw a force was collected to oppose him, is to act directly contrary to those sentiments.

If he believed that satisfaction was due to the officer under his orders, it was not to be obtained but through the competent authority, that is the captain general of the island, and not the alcalde of a town, which, on the other hand, charges him with being the aggressor. Whatever has been done or said by the alcalde will be considered as the personal proceedings of a weak man overpowered by force, and can in no way be any satisfaction to Captain Porter or his aggrieved officer. If they desire a satisfaction purely personal, as officers of honor, they ought to know that there are other ways of obtaining it. We will not be those who shall decide as to the true qualities of the conduct observed by Commodore Porter. We leave it to the whole world to compare it with what is painted by one of the authors of which we have already spoken.

"Those who have recourse to arms without necessity, are the plagues of the human family—they are the barbarous enemies of society, and rebels against the laws of nature, or rather against the common Father of men."

They are obnoxious to the penalties and the treatment the Genevans imposed on the Savoyards, when they assailed them in 1602; "because a nation attacked after this manner (in an informal and unlawful war,) by enemies, is not obliged to observe towards them those laws which are prescribed in laws declared in form, and can treat them as banditti."

If the alcalde had only known his duty, or been desirous of fulfilling it, although he could not prevent the landing of Captain Porter with an armed force, if he had delayed to reply to the letter, and done nothing else, this gentleman would have received a suitable answer in a few hours. The alcalde of Naguabo, who saw the two schooners anchor at Fajardo, and the brig at the cape, had already collected his people, and given the necessary information to the commandant of the department, who immediately took up the line of march for the point which was threatened. The neighboring inhabitants with the commandant, would, we feel confident, have renewed the scene of January 23d, 1817, when, having at their head, the captain of grenadiers, Don Antonio Planells y Bardaxi, they resisted two insurgent corsairs, which after having tried in vain to capture an English schooner, that had taken refuge in the port, made a landing which cost them the loss of thirty men, and of a great quantity of arms and ammunition, and forced them to give up a practice which they had taken up under the American flag, and a boat and three men which they had captured.

If the loyal and valiant inhabitants of Fajardo, have lost a second occasion of covering themselves with glory, as worthy Porto Ricons, as in the affair which we have just related, and which may be seen in the Gazette of February 1, 1817, let them console themselves. The governor will take care to put at their head an officer who will discharge his duty, if occasion should occur, as did Planells, to avoid another surprise, and that the aggressors, (who have been witnesses of the valor and decision with which the word of attack is expected,) notwithstanding that, from the shortness of the time, but few of the people can collect together, may not return to repeat with impunity such scandalous attempts, which will be repelled with the boldness, the valor, and the fidelity which characterize that honorable neighborhood.

It will not escape the notice of the reader, that my visit to Foxardo, not only had the effect which I anticipated—that of securing better treatment from the authorities of Porto Rico to the officers engaged in the suppression of piracy; but, from accounts recently received from the officer I left to perform this duty, it appears an earnest co-operation on the part of the government of the island has also been produced by it: I allude to the communications of Lieutenant Sloat, which have lately been received at the Navy Departmnnt, accompanied by a circular from the captain general of the island, calling on the subordinate authorities to render every assistance in their power. This conduct, contrasted with their former treatment of us, proves the effect of my visit to have been most salutary.

Official.

UNITED STATES SCHOONER GRAMPUS, *St. Thomas, March* 12, 1825.

SIR: I have the honor to report for the information of the Department, that having learned that several vessels had been robbed by pirates near Foxardo, and that two sloops of this place, and one of Santa Cruz, had been taken by them, and two of them were equipped and cruising as pirates, I obtained two small sloops at this place, free of expense, by the very cordial co-operation of his excellency, Governor Von Scholten, of St. Thomas, who promptly ordered the necessary documents to be issued, and imposed a temporary embargo, to prevent the transmission of intelligence to the pirates, which sloops I manned and armed under the command of Lieutenants Pendergrast and Wilson, for the purpose of examining all the small harbors of Crab Island, and the south coast of Porto Rico. We sailed on the first of March, and examined every place as far to the westward as Ponce, without success, although we got frequent information of them; we anchored at Ponce on the evening of the third, and took our men and officers on board; the next morning at 10 o'clock, a sloop was seen off the harbor, beating to the eastward, which was very confidently supposed to be one of those fitted out by the pirates. I again got one of the sloops, and manned her under the command of Lieutenant Pendergrast, accompanied by Acting Lieutenant Magruder, Doctor Biddle, and Midshipman Stone, with twenty-three men, who sailed in pursuit the next day at 3 o'clock. They had the good fortune to fall in with her in the harbor of "Boca del Inferno," which is very large, and has many hiding places, where an action commenced, which lasted forty-five minutes, when the pirates ran their sloop on shore, and jumped overboard: two of them were found killed, and ten of those which escaped to the shore were taken by the Spanish soldiers, five or six of whom were wounded, and amongst them, the famous piratical chief, Cofrecinas, who has long been the terror of the coast, and the rallying point of the pirates in this vicinity. As near as we can ascertain, he had fifteen or sixteen men on board, and was armed with one four-pounder, and muskets, pistols, cutlasses, and knives for his men. The sloop was got off, and arrived safe, with our tender, at this place, last evening; and I am happy to add, that none of our people received any injury, and all have returned in good health notwithstanding their exposure to the sun and rain, for eleven days, without the possibility of getting below. I have much pleasure in stating to you, that I received every assistance from the authorities of Ponce, whilst there, and that they showed every desire to promote the success of the expedition. I have the honor to enclose you a copy of a letter sent by them to Lieutenant Pendergrast, thanking him, the other officers and men, for the service rendered the country, in the capture of the pirate.

The success of the enterprise, against skillful and cunning adversaries, is the best proof I can offer you of the good conduct of the officers and men engaged in it, and renders superfluous any eulogium from me.

I have the honor to be, sir, very respectfully, your obedient servant,

JOHN D. SLOAT.

HON. SAM. L. SOUTHARD, *Secretary of the Navy, Washington.*

To Lieutenant Pendergrast, the officers and crew of the sloop Dolphin, now in the service of the United States of America:

The alcade of Ponce, Don Jose Torrens, and the military commandant, Col. Don Thomas Renovals, request me to say to you that, in the name of the governor of this island, and of the Spanish nation, they present you their thanks for the important service you have rendered them, in capturing the piratical vessel commanded by the noted Cofrecinas.

They have written to the chief authority an account of your gallant and successful expedition, and hope your future exertions may meet with equal success.

In them you will always find friends and brother officers in an honorable cause, and all the assistance they may have in their power.

They request you to accept the refreshments now sent off, and regret that your short stay deprives them of the pleasure of showing you more particular attention.

They are also happy to say that Captain Manuel Marcann has also been successful in securing some of the pirates who swam to the shore after you captured their vessels.

Wishing you success, health, &c., I am, gentlemen, your friend and servant,

JAMES J. ATKINSON.

PONCE, *March* 6, 1825.

U. S. SCHOONER GRAMPUS, *St. Thomas, March* 19, 1825.

SIR: On the 12th of this month, I had the honor to report the capture of a piratical vessel, on the south side of Porto Rico, by an expedition fitted out from this vessel, and her safe arrival at this place; also my having given her over to the governor to be returned to her former owner, an inhabitant of St. Thomas. I subsequently learned that the pirates who swam on shore had been taken and sent to the city of St. Johns, the seat of government of Porto Rico, at which place I called to offer our testimony against them. Enclosure No. 1, is my letter to the captain general; No. 2, his reply, which I have forwarded for the information of the Department. Our testimony was not required, as they have confessed sufficient to convict them.

The capture of this vessel, I find, is considered of much more importance, by the governments of Porto Rico, St. Croix, and St. Thomas, than I had any idea of, as the leader, "Cofrecinas," has for years been the terror of this vicinity; and his career has been marked by the most horrible murders and piracies, and for some time a large reward has been offered by the government of Porto Rico for his head. Although wounded when he got on shore, he would not surrender until he received the contents of a

blunderbuss, which shattered his left arm, and he was brought to the ground with the but of it. I have seen him in prison, and he declares that he has not robbed any American vessel for the last eighteen months, only, however, for the want of an opportunity. Several persons on shore, heretofore considered respectable, have been arrested as accomplices of this gang. Six of them were brought to St. Johns, and committed to prison whilst I was there. The captain general has promised me that these desperadoes shall have summary justice—that he will not wait for the civil court, but will order a court-martial immediately to try them.

I have great pleasure in stating to you that the captain general appeared to have every disposition to prevent all piracies from the coast of Porto Rico, and to co-operate with me by all the means in his power; and for which purpose he gave me a circular letter to all civil and military officers on the coast, requiring them to give me every assistance and information in their power, whenever the Grampus or her boats may make their appearance on the coast, or in any of the harbors of the island; a copy of which is enclosed, No. 3.

I have also the honor to enclose you a note from me to Governor Van Scholten of St. Thomas, (No. 4,) requesting him to give the necessary orders to receive the sloop, and to have her restored to her original owner, and his reply, No. 5. Also, a letter from James J. Atkinson, Esq., in behalf of the alcalde and military commandant of Ponce, No. 6.

When I left St. Johns, the fiscal was taking the declaration of Cofrecinas, and the captain general promised me a copy of it; but having a large convoy to take to sea on Sunday, (to-morrow,) from this place, I could not wait for it. It will be sent to me in a few days, when I shall send it to you for the information of the government, as I have no doubt it will throw much light on the subject of piracies.

I have the honor to be, very respectfully, sir, your obedient servant,

JOHN D. SLOAT.

To the Hon. SAMUEL L. SOUTHARD, *Secretary of the Navy, Washington.*

No. 1.

U. S. SCHOONER GRAMPUS, *St. Johns, Porto Rico, March* 14, 1825.

SIR: I have the honor to inform your excellency that I have arrived in this harbor, with the United States schooner Grampus under my command. The object of my visit at this time is to inform your excellency that a small sloop, a tender to this vessel, met with a piratical sloop in the harbor of "Boca del Inferno," under the command of the famous piratical chief Cofrecinas, on the fifth day of the present month, and after a desperate resistance drove her on shore. The pirates that were not killed jumped overboard and got on shore, where ten of them, I understand, have been taken by the troops in that vicinity and sent to this place. Should your excellency consider the testimony of the officers of the Grampus at all necessary in bringing those enemies of mankind to justice, it will be cheerfully afforded. The sloop I took to St. Thomas, and gave her to her former owner.

I have the honor to be, with the greatest respect, your excellency's most obedient serv't,

JOHN D. SLOAT.

To his excellency J. D. MIGUEL DE LA TORRE, *Captain General of the Island of Porto Rico.*

No. 2.

[Translation.]

GOVERNMENT AND CAPTAIN GENERALSHIP OF THE ISLAND OF PORTO RICO.

I have received the official letter which you were pleased to direct to me, under date of 14th ult., informing me of the object of your visit to this port, and offering, if necessary, the declarations of your officers and crew, (who fought with so much bravery against the pirates in the Boca del Inferno,) in case they should be found necessary for the conviction of those criminals, in the process instituted against them by this captain generalship. I return you my most grateful thanks, as well for this offer as for the effectual assistance you have rendered in the pursuit and capture of these wicked wretches, of which good services I was already informed by the military commandant and other authorities of Ponce. Be pleased to accept the tender of my acknowledgments, and also to be the organ of communicating them to the officers and crew of the schooner under your command, for their co-operation, which confers so much honor on the navy of the United States; and, as regards their declaration, (considering that the pirates do not deny the principal fact, and that they have already convicted themselves,) I do not think it necessary to put them to the inconvenience you were pleased to offer, and which goodness would have been accepted, had it been found necessary. This captain generalship, in tendering to you its acknowledgments, flatters itself that you will be pleased to continue your good services in the pursuit of this scourge of humanity, that, in case there should still be any remaining, they may be brought to suffer the condign punishment which their captured comrades will not fail to receive. To effect this, the most energetic orders have been issued, that all the authorities of the coasts should hold themselves unanimously in readiness to co-operate with you in the most efficacious manner for the attainment of this result.

Accept, Señor Commandant, the assurance of my respect, and of the consideration with which I pray God to preserve you many years.

MIGUEL DE LA TORRES.

PUERTO RICO, *March* 17, 1825.

To the COMMANDER *of the United States Schooner Grampus, in the Bay.*

No. 3.

[Translation.]

The captain of the United States American schooner Grampus, (Lieut. John D. Sloat,) goes in pursuit of pirates; for which purpose he will visit all the ports, harbors, roads, and anchorages, which he may find convenient. In consequence, you will give him all the necessary aid and notice for discovering them; and in case of meeting with them, the authorities of the coast, both civil and military, will join themselves unanimously with the said commandant, to pursue them by land, while he does the same by sea; and in case any of those wicked wretches should seek refuge in the territory of any part of the island, they would pursue them briskly, until they have possessed themselves of their persons. The government expects, from the known zeal of the authorities referred to, that they will display the greatest activity, efficacy, and energy, in this important service, assuring each, in particular, of the lively interest which it feels for the total extermination of such vile rabble, the disgrace of humanity. Those who shall distinguish themselves in the opinion of the government, will be reported to his Majesty, giving to each one justice, according to his merits. God guard you many years.

MIGUEL DE LA TORRES.

PUERTO RICO, *March* 16, 1825.

To the Military Commandants, and of the Quarters, Royal Alcaldes, and other Civil and Military Authorities and Functionaries of the Coasts of this Island.

No. 4.

UNITED STATES SCHOONER GRAMPUS, *St. Thomas, March* 12, 1825, 8 A. M.

SIR: Having been informed by the captain of a vessel that arrived in this port, that the piratical vessel which the Danish man-of-war and myself had for some time been in search of, was in the vicinity of Crab Island, and had captured and plundered several small vessels belonging to this place, and no Danish man-of-war being at the moment in port, I did not hesitate to request of your excellency permission for the three Danish sloops (whose captains had volunteered their services) to assist me in pursuit of her. Your excellency immediately granted the request, on the sole condition that I should pledge myself, as an officer and gentleman, that the vessels should not be used for any other purpose than searching for pirates. I can assure your excellency that they have been used by me for no other. The sloop which arrived this morning is the last of the three which were under the command of Lieut. Pendergrast, who was so fortunate as to fall in with, and capture, the piratical vessel we have been so long in search of, commanded by the famous chief Cofrecina, who is badly wounded; the most of his crew were killed or wounded, and the survivors are all, I believe, now prisoners in Porto Rico, where the government afforded every assistance to the expedition whilst on that coast, and in capturing those that swam on shore. I herewith return your excellency the documents placed by you in my hands, to be used by the sloops engaged in the expedition. I cannot forbear to recommend to your excellency Capt. Perrelty, master and owner of the Danish sloop Dolphin, who rendered great assistance by his knowledge of the coast, and his good conduct during the cruise, and whom I beg leave to recommend to your particular notice. I have great pleasure in restoring to the rightful owner the sloop captured from the pirates, and request your excellency to give the necessary orders to have her delivered to him. I also enclose several sets of Danish papers taken on board the piratical vessel.

I have the honor to be, with great consideration and respect,

Your excellency's most obedient servant,

JOHN D. SLOAT.

To his excellency GOV. VAN SCHOLTEN, *of St. Thomas, St. Johns, &c., &c.*

No. 5.

GOVERNMENT HOUSE, *St. Thomas, March* 12, 1825.

SIR: I have the honor to acknowledge the receipt of your letter of this inst., and am extremely happy at the successful result of the expedition.

I shall take a pleasure to lay your communication before my government, and beg you will be assured how much the community and I feel obligated to you for the assistance you on every occasion so readily afford this island.

I have the honor to remain, sir, your most obedient servant,

P. SCHOLTEN.

To Lieut. Commandant SLOAT, *commanding the U. S. Schooner Grampus.*

No. 6.

PONCE, *March* 12, 1825.

To Captain J. D. Sloat, United States Navy:

DEAR SIR: I have the pleasure of communicating to you the agreeable information, (at the request of Col. Renovales) that the chief of the pirate you saw passing in front of this port, and in pursuit of whom you dispatched the expedition under the command of Lieut. Pendergrast, has been captured, with twelve of his associates, on shore, near Guyama, all desperately, if not mortally wounded, particularly the leader, Cofrecinas, who landed, wounded, and then fought Captain Marcanos until he had three bullets and two sabre wounds. He cannot survive.

The commandant and alcalde present you their sincere and warm thanks for the service and aid you have rendered this place in capturing this pirate, and wish to be remembered to yourself, Lieut. Pendergrast, and the other officers of your expedition. They wish soon again to see you, and hope you will remain in port long enough for them to show you some particular attention.

Many of Cofrecinas' confederates on shore are arrested: five from here sent to St. Johns.

Your friend and servant,

JAMES J. ATKINSON.

19TH CONGRESS.] **No. 271.** [1ST SESSION.

LETTER FROM COMMODORE DAVID PORTER RELATIVE TO CHARGES OF THOMAS RANDALL AND JOHN MOUNTAIN AGAINST THE OFFICERS OF THE WEST INDIA SQUADRON.

COMMUNICATED TO THE SENATE DECEMBER 27, 1825.

The VICE-PRESIDENT communicated the following letter, which was ordered to be printed, and referred to the Committee on Naval Affairs:

To the Vice-President of the United States and President of the Senate:

SIR: During the last session of Congress several communications from Thomas Randall and John Mountain, highly injurious to the character of myself, and other officers of the West India squadron, were transmitted by the then Secretary of State to the Senate, and gave rise to a debate, wherein many severe reflections were made on the conduct of navy officers in general, but more particularly on that of the officers employed for the suppression of piracy. In consequence of these communications, and the remarks they gave rise to, immediately on my arrival in the United States I applied for an investigation of the conduct of myself and others implicated by them. The consequence was, an investigation of the whole of the proceedings of the West India squadron, from the time of my taking command, up to the time of my recall. All of which has been printed, by order of the President, and was, as I am informed, a short time since in the office of the honorable Secretary of the Navy, ready to be distributed whenever Congress shall have made a call for the same.

In consequence of which, I some time since requested the Hon. Mr. Lloyd to offer a resolution, calling on the Navy Department for the proceedings in the case to be laid before the Senate, which he did me the favor to comply with, and a call was accordingly made; but, as he has since informed me that he does not contemplate taking any further steps in the affair, I take the liberty of briefly stating to you my object in wishing the call for the proceedings, which I beg you to communicate to the Senate for its consideration.

The documents communicated by the State Department, together with the remarks which they gave rise to, have been spread before the public, and on many minds have left an impression highly injurious to the character of the navy in general; and this impression has been strengthened by the repetition of the charges in the public prints by Mr. Randall, since the proceedings in the case were had, with the additional assertion that I had shrunk from the inquiry, and deprived the court of the opportunity of bringing out all the facts in the case, by which his charges would have been sustained, and my guilt would have been manifest. It is, therefore, due to myself, it is due to every officer under my command, it is due to the whole navy, and, indeed, the whole nation, that the result of this inquiry should be laid before the Senate, that erroneous impressions, injurious to our characters, may thereby be removed from the minds of those who, by the statements of Randall and Mountain, have been led to entertain them, and that those who entertained different opinions, and were induced to interpose themselves between us and the injury which it is believed was intended by our accusers, may be assured that their confidence has not been placed on objects unworthy of engaging it.

I beg, sir, that this subject may be brought to the consideration of the Senate at as early a period as possible, in order that it may determine, whether sufficient rigor has been observed in the inquiry; that if it has not, other proceedings may be asked for, and if they prove satisfactory, as I feel a confidence they will, that an opinion may be expressed to that effect, thereby relieving us from the charges and censures that remain on the files, and stand on record against us, to the prejudice of our own characters, and the character, and consequently of the interests, of the corps to which I belong.

This request is made with feelings of the highest respect for the members of the Senate, individually and collectively; and I hope sincerely that there may be found nothing wrong or unreasonable in my desire to obtain that approbation which myself and others have sought with so much assiduity, during the time we were employed in the suppression of piracy—a service holding forth no reward for its faithful performance—no hope to cheer us through all our privations and sufferings, but the approbation of our country.

I have the honor to be, with the highest respect, your very obedient servant,

D. PORTER.

WASHINGTON, *December* 25, 1825.

19TH CONGRESS.] No. 272. [1ST SESSION.

LETTER OF THOMAS RANDALL, RELATIVE TO A COMMUNICATION OF COMMODORE DAVID PORTER TO THE SENATE, CHARGING HIM WITH IMPUTATIONS AGAINST HIMSELF AND OFFICERS.

COMMUNICATED TO THE SENATE JANUARY 3, 1826.

To the Vice-President of the United States and President of the Senate:

WASHINGTON, *December* 29, 1825.

SIR: In the papers of yesterday I read, with some surprise, a letter from Commodore David Porter, addressed to you, for the purpose of being communicated to the Senate, in which he invokes the aid of that body to relieve him from the charges and censures which, he alleges, have grown out of my reports to the Executive, in relation to the suppression of piracy in the West Indies. As the nature and character of those reports must be well known to the Senate, by whose order they were published at its last session, it is not my intention in this letter to enter into a formal justification of them. Nor does it become me to question the regularity or propriety of the course pursued by Commodore Porter, in thus transferring to the Senate an inquiry which has already been investigated by a court, and upon which he has provoked a controversy before the public. But, as he avowedly seeks from the Senate a vote of approbation on his conduct, and of censure upon mine, and the Senate has been pleased to act upon his application, I humbly conceive it to be my undoubted right to be heard in answer, and to show that neither the one nor the other would be merited.

To enable the Senate to judge of the merits of the controversy between us, I take the liberty of enclosing a copy of the printed publication to which Commodore Porter has alluded, and which I respectfully request may be referred, together with this letter, to the same committee to which was referred Commodore Porter's letter, and be printed.

Although that publication was made before the report of the court of inquiry was published, I have yet seen nothing in that report which materially conflicts either with the statements made in my original letters to the Executive, or in the printed paper enclosed, and such, doubtless, is the opinion of Commodore Porter, or he would have rested satisfied with the justification it would otherwise have afforded him, and thus relieved the Senate from an inquiry as unprofitable as, in my opinion, it is alien from its legitimate duties.

I am free, however, to confess that, as far as opinions, in the absence of evidence, can prevail, the sentence of that court will be found to be favorable to Commodore Porter; and had that officer rested satisfied with such an acquittal, I should not have undertaken to question its sufficiency. Knowing that my character was not at issue upon the guilt or innocence of Commodore Porter, and seeing that the court, so far from questioning the statements made by me, expressly rely upon them, and bear testimony to my fairness, I should, but for the injurious conduct of the accused towards me, have left him to enjoy the delusions of an imaginary triumph over me. But I have too much self-respect and regard for my reputation to suffer Commodore Porter to derive from my silence, before the Senate, any countenance to his unwarrantable imputations, and to sustain his character at the expense of mine.

I have to request, then, that the Senate will be pleased to examine as well my original reports as the publication enclosed, and compare them with the evidence adduced before the court of inquiry, and it will be seen that not one material allegation made by me is contradicted by the evidence. It will be seen that the court itself complains "that the absence of many of the officers engaged in the squadron, the want of official statements of their several operations, and the withdrawing of Commodore Porter from any participation in the investigation, have rendered it impracticable to detail, with as much particularity as could be wished, the daily movements of the various vessels." And it will also be seen that, while the most abundant testimony, and the most voluminous documents exist, in relation to a period anterior to that embraced in my reports, and while the court dilates with the utmost minuteness of detail, and with the most imposing emphasis, upon the operations of the squadron during that period, there is almost a total absence of primary evidence and documents, and of detail by the court, in relation to the only period wherein the conduct of the commander of the squadron was questioned. I care not, then, that, in the absence of evidence, the court has pronounced an opinion different from mine, and favorable to the accused. The Senate has all the information possessed by the court, and can judge between us. They will find it abundantly proved, as asserted by me, that but two of the smallest and most inefficient vessels were left by Commodore Porter, in the month of June, near the coasts of Cuba, to protect our commerce against the pirates during the disastrous period of the summer and autumn of 1824, while all the rest of the squadron in those seas were actively engaged in the transportation of specie; and they will then be enabled to estimate the correctness of that most extraordinary opinion, sanctioned by the court, that, "in the then state of things, that force was as competent to effect the object as a larger one would have been."

But I am not limited to this view of the case. I am authorized, on the most certain information, to assert that Commodore Porter himself exhibited to the court his letter-book, which, in the opinion of members of the court, furnished abundant evidence of the truth of all the charges which had been made against him, and proved that his leading object, in the employment of the squadron, was to promote his private interests; and that the court, although satisfied of this, declined to make use of the evidence thus furnished by the accused, on the ground that the letter-book having been placed in its possession for a special and different object, it was not authorized to make use of it for another purpose.

I trust the Senate will find a sufficient justification for this exposition in the facts of the case and in the treatment I have received from Commodore Porter. For reports made by me to the Executive of the United States, in obedience to my instructions, written in the spirit of candor and truth, and published by the order of the Senate, without any agency of mine, I have been subjected to the most unmerited

imputations. First, I am challenged by Commodore Porter to appear before a naval court and substantiate my statements. When I appear before that court, as a witness, he stands aloof in moody silence, and does not question a statement made by me, and it was only after I had withdrawn from the court, at its own suggestion, that, as I now find by the minutes of the court, an insidious attempt is made to question the truth of a most immaterial fact contained in my reports. Before a court, engaged on a different inquiry, and with which I had nothing to do, injurious remarks are, in my absence, applied to me, entirely irrelevant to the matter before the court. And, before the publication of the opinion of the court of inquiry, those injurious remarks are published by Commodore Porter, and I am challenged to appear before the tribunal of public opinion. I do appear, and publish my defence, in the paper enclosed, but my Proteus adversary there again eludes me, declines to answer me before the public, to whose bar he had appealed from the laws of his country, and says that he will rest his justification on the opinion of the court of inquiry. That opinion has now been published, and yet this restless and indefatigable adversary swerves from his resolve, and compels me now to meet him in the Senate of the United States, where he invites a renewal of the controversy. I shall not decline the invitation. Satisfied of the propriety of my conduct, and of the truth of every allegation made by me, I shall not fail to defend the one and reiterate the other in whatever presence they may be questioned.

Before concluding, I have to remark upon a part of Commodore Porter's letter to the Senate, which requires a special notice. The part to which I allude is the following: "The documents communicated to the State Department, together with the remarks which they gave rise to, have been spread before the public, and, on many minds, have left an impression highly injurious to the character of the navy in general; and this impression is strengthened by the repetition of the charges in the public prints, by Mr. Randall, since the proceedings in the case were had," &c. Now, so far from this being the fact, it will be seen by reference to the enclosed paper, (the one in question,) that one of the avowed objects of that publication was to remove any such impression; that I charge Commodore Porter with artifice and unfairness in making use of that suggestion, and expressly disclaim the intention of reflecting on any other officer than the commander of the squadron; and yet Commodore Porter refers to that very paper as containing an imputation, which imputation the paper expressly ridicules and denies. The Senate will see, in the reiteration of this charge against me, the continued operation of that motive in the mind of Commodore Porter to which I ascribed it, and be able to judge whether a suggestion so palpably groundless ought to be ascribed simply to misapprehension. But I again repel the charge. I never have been unfriendly to the navy, and much less to the officers to be affected by such a charge. I have the honor to number most, if not all, the officers composing the commanders of the vessels of that squadron amongst my acquaintances and friends. I have met and associated with many of them since the publications in question, and have perceived no abatement of their regard and confidence, either in their words or actions. On the contrary, I have been expressly assured by them that they did not consider my reports as reflecting on them; and I have too much confidence in the honor and sincerity of the officers of the navy to believe for a moment (although a signal example may be found of such depravity) that they could be capable of professing friendship while their hearts harbored hatred and suspicion.

Renewing, most respectfully, my request that this letter, and the enclosed paper, may receive the same reference and disposition which were accorded to the letter of Commodore Porter, which gave rise to them, I beg leave to assure you, sir, and the honorable body over which you preside, of my most respectful consideration.

THOMAS RANDALL.

19TH CONGRESS.] **No. 273.** [1ST SESSION.

ON THE EXPENSE AND MODE OF EMPLOYING A SLOOP-OF-WAR IN EXPLORING THE NORTHWEST COAST OF AMERICA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 4, 1826.

NAVY DEPARTMENT, *December* 30, 1825.

SIR: The Secretary of the Navy has had the honor to receive the resolution of the House of Representatives of the 16th inst., inquiring, "whether the sloop-of-war Boston, about to be commissioned, or some other of the sloops-of-war now in commission, might not be employed in exploring the northwest coast of America, its rivers and inlets, between the parallels of latitude 42 and 49 north, without detriment to the naval service of the United States; and, whether the expense incurred in such service would exceed the ordinary expenses of such vessels while cruising; and, also, whether it would be practicable to transport more cannon, and more of the munitions of war, in such vessel, than would be necessary for the use of the vessel."

This resolution contains three subjects of inquiry: 1st. Whether the Boston, or any of the sloops-of-war now in commission, may be employed in exploring the northwest coast of America, between the latitudes mentioned, without detriment to the naval service.

2d. Whether the expense attending such employment would exceed the ordinary expenses of the vessel while cruising.

3d. Whether it could transport more cannon, and munitions of war, than would be necessary for its own use.

Upon the first point, reference is respectfully made to the report, dated the 2d inst., accompanying the message of the President at the commencement of the session, which states the views entertained by this Department of the proper disposition of the naval force for the ensuing year. The squadrons in the West Indies, Mediterranean and Pacific cannot well be diminished, consistently with a sufficient protection of our commerce and salutary regard for the public interest. A less force than is now employed, on

any of our stations, would not be able to accomplish the purposes for which it is maintained. It has, indeed, been proposed to augment the force in the Pacific, by the Boston, or some other sloop-of-war; and the opinion is respectfully expressed, that it would be least detrimental to the public service to leave the arrangement of the vessel undisturbed, and authorize another sloop-of-war to be prepared for that service.

Should this opinion be deemed correct, and Congress determine to send a vessel to the mouth of Columbia river, another of the ten sloops-of-war may be launched, and ready for sea, before the end of the session. In that case, an addition to the estimates will be required, sufficient to fit it for sea and support it for the year; say the sum of *thirty-seven thousand nine hundred and thirty-five dollars and seventy-five cents.*

If Congress differ from the opinion expressed, and resolve that the force now actually on the several stations need not be increased, either the Boston or the Cyane may be engaged on the proposed survey, after they have executed special service on which they have been already ordered. In that case, the Boston may be ready to sail by the first of April, and the Cyane by the first of June, and no addition to the appropriations will be required.

Upon the second point: it is stated that the expenses of a vessel, so employed, may, in some degree, exceed its ordinary expenses while on our usual cruising grounds. It cannot carry provisions and stores for the whole year, and the cost of procuring what is wanted may be greater there than elsewhere. The difference, however, cannot be such as to require an alteration of the estimates, if any of the vessels now in commission be employed. This statement concerns only the ordinary support of the vessel, and does not embrace the purchase of instruments and apparatus, nor the pay and support of scientific men who may be engaged to aid in the survey; the extent of that expense is not understood to be included in the inquiry. It would, probably, require an addition of from eight to ten thousand dollars, to the amount stated in the estimates.

On the third point: the Boston would be able to carry, in her hold, eight or ten guns, with the necessary ammunition, in addition to her stores and armament.

Although not called for by the resolution, the consideration is respectfully suggested, that the Boston will draw from sixteen to seventeen feet of water, and that rivers and inlets, worthy of examination, may be found within the latitudes mentioned, which would not admit a vessel of such a draft; and that, should this prove to be the case, an examination of them can be made only by the boats, the vessel, during the time, lying in the open sea. Such an operation would prove dilatory, expensive, and, in some instances, perhaps, dangerous; while the work itself would not be executed in a satisfactory manner. These evils may be, in a great degree, avoided, by adding to the sloop-of-war a schooner of lighter draft of water. The annual expense of such a schooner, exclusively of the commissioned and warrant officers, is about sixteen thousand five hundred dollars.

All of which is respectfully submitted.

SAMUEL L. SOUTHARD.

The Hon. the SPEAKER *of the House of Representatives.*

19TH CONGRESS.] **No. 274.** [1ST SESSION.

NAVAL REGISTER FOR 1826.

COMMUNICATED TO THE SENATE JANUARY 9, 1826.

NAVY DEPARTMENT, *January* 5, 1826.

SIR: I have the honor to transmit to you, for the use of the members of the Senate, fifty copies of the Naval Register for the year 1826, prepared in obedience to a resolution of Congress, passed on the 13th day of December, 1815, and am, sir,

Very respectfully, &c.,

SAMUEL L. SOUTHARD.

Hon. JOHN C. CALHOUN, *President of the Senate of the United States.*

Naval register for 1826.

CAPTAINS.

Names.	Date of commission.	Birth place.	Duty.
John Rodgers	March 5, 1799	Maryland	Commanding Med. squadron.
James Barron	May 22, 1799	Virginia	Navy yard, Gosport.
Wm. Bainbridge	May 20, 1800	New Jersey	President, Navy Board.
Thomas Tingey	November 23, 1804	England	Navy yard, Washington.
Charles Stewart	April 22, 1806	Pennsylvania	Waiting orders.
Isaac Hull	April 23, 1806	Connecticut	Commanding Pacific squadron.
Isaac Chauncey	April 24, 1806	Connecticut	Navy yard, Brooklyn, N. Y.
David Porter	July 2, 1812	Massachusetts	Washington.
Jacob Jones	March 3, 1813	Delaware	Navy Board.
Charles Morris	March 5, 1813	Connecticut	Special service.
Arthur Sinclair	July 24, 1813	Virginia	Commanding Norfolk station.
Lewis Warrington	November 22, 1814	Virginia	Commanding W. I. squadron.
Wm. M. Crane	November 24, 1814	New Jersey	Navy yard, Charlestown.
James T. Leonard	February 4, 1815	New York	Whitehall, Lake Champlain.
James Biddle	February 28, 1815	Pennsylvania	Navy yard, Philadelphia.
Chas. G. Ridgely	February 28, 1815	Maryland	Navy yard, Portsmouth, N. H.
Robert Trail Spence	February 28, 1815	New Hampshire	Commanding Baltimore station.
Daniel T. Patterson	February 28, 1815	New York	Frigate Constitution.
Melancthon T. Woolsey	April 27, 1816	New York	Frigate Constellation.
John O. Creighton	April 27, 1816	West Indies	Leave of absence.
John Downes	March 5, 1817	Massachusetts	Leave of absence.
John D. Henley	March 5, 1817	Virginia	Leave of absence.
Jesse D. Elliott	March 27, 1818	Maryland	Ship Cyane.
Robert Henley	March 3, 1825	Virginia	Waiting orders.
Stephen Cassin	March 3, 1825	Pennsylvania	Washington, D. C.
James Renshaw	March 3, 1825	Pennsylvania	Waiting orders.
Thomas Brown	March 3, 1825	Delaware	Waiting orders.
Chas. C. B. Thompson	March 3, 1825	Virginia	Waiting orders.
A. S. Wadsworth	March 3, 1825	Maine	Inspector ordnance and ammunition.
Geo. W. Rodgers	March 3, 1825	Maryland	Waiting orders.
George C. Reed	March 3, 1825	Pennsylvania	Mediterranean.
Henry E. Ballard	March 3, 1825	Maryland	Waiting orders.
Captains—32.			

MASTERS COMMANDANT.

David Deacon	December 10, 1814	New Jersey	Sloop Erie, Mediterranean.
Louis Alexis	December 10, 1814	France	Furlough.
Sidney Smith	February 28, 1815	New York	Leave of absence.
Samuel Woodhouse	April 27, 1816	Pennsylvania	Sloop Hornet, W. I.
William Carter	April 27, 1816	North Carolina	Not on duty.
Joseph J. Nicholson	March 5, 1817	Maryland	Corvette John Adams.
Wolcott Chauncey	March 5, 1817	Connecticut	Furlough.
Edmund P. Kennedy	March 5, 1817	Maryland	Receiving ship, Norfolk.
Alexander James Dallas	March 5, 1817	Pennsylvania	Navy yard, Philadelphia.
John B. Nicholson	March 5, 1817	Virginia	Sloop Ontario, Mediterranean.
Beekman V. Hoffman	March 5, 1817	New York	Receiving ship Fulton, N. Y.
Jesse Wilkinson	April 18, 1818	Virginia	Rendezvous, Norfolk.
George Budd	March 28, 1820	Maryland	Erie, Pennsylvania.
T. Ap Catesby Jones	March 28, 1820	Virginia	Sloop Peacock, Pacific.
John Porter	March 28, 1820	Maryland	Leave of absence.
William B. Finch	March 28, 1820	South Carolina	New York rendezvous.
William B. Shubrick	March 28, 1820	South Carolina	Navy yard, New York.
Benjamin W. Booth	March 28, 1820	Virginia	Navy yard, Washington.
Alexander Claxton	March 28, 1820	Pennsylvania	Rendezvous, Baltimore.
Charles W. Morgan	April 15, 1820	Virginia	North Carolina 74, Mediterranean.
Lawrence Kearny	March 3, 1825	New Jersey	Navy yard, Charleston.
Foxhall A. Parker	March 3, 1825	Virginia	Leave of absence.
Edward R. M'Call	March 3, 1825	South Carolina	Receiving ship, Philadelphia.
Daniel Turner	March 3, 1825	Rhode Island	Rendezvous, Boston.
David Connor	March 3, 1825	Pennsylvania	Rendezvous, Philadelphia.
John Gallagher	March 3, 1825	Pennsylvania	Navy yard, Norfolk.
Thomas Holdup Stevens	March 3, 1825	South Carolina	Leave of absence.
Masters Commandant—27.			

LIEUTENANTS.

Francis J. Mitchell	February 18, 1809	Virginia	Not on duty.
Raymond H. Perry	March 5, 1813	Rhode Island	Leave of absence.
Henry D. Newcomb	July 24, 1813	New Hampshire	Commanding schooner Porpoise.
James P. Oellers	July 24, 1813	Pennsylvania	Receiving ship, Norfolk.
William M. Hunter	July 24, 1813	Pennsylvania	Leave of absence.
John D. Sloat	July 24, 1813	New York	Leave of absence.
M. C. Perry	July 24, 1813	Rhode Island	North Carolina 74, Mediterranean.

Note.—Officers on leave of absence have generally returned from long cruises, and are subject to immediate orders. Several of them are sick.

Naval register for 1826—LIEUTENANTS—Continued.

Names.	Date of commission.	Birth place.	Duty.
Charles W. Skinner	July 24, 1813	Maine	Leave of absence.
Samuel W. Adams	July 24, 1813	New Hampshire	Sackett's Harbor.
Frederick W. Smith	July 24, 1813	New Jersey	Leave of absence.
Otho Norris	July 24, 1813	Maryland	Commanding schooner Shark.
John T. Newton	July 24, 1813	Virginia	Commanding brig Spark.
Joseph Smith	July 24, 1813	Massachusetts	Furlough.
Lawrence Rousseau	July 24, 1813	Louisiana	New Orleans.
Geo. W. Storer	July 24, 1813	New Hampshire	Navy yard, Portsmouth, N. H.
Joseph Cassin	July 24, 1813	Pennsylvania	Commanding schooner Grampus.
Robert M. Rose	July 24, 1813	Virginia	Navy yard, Norfolk.
Beverley Kennon	July 24, 1813	Virginia	Frigate United States.
Edward R. Shubrick	October 9, 1813	South Carolina	Leave of absence.
Chas. A. Budd	June 18, 1814	Pennsylvania	Receiving ship, Norfolk.
Francis H. Gregory	June 28, 1814	Connecticut	Brandywine frigate.
John H. Clack	December 9, 1814	Virginia	Leave of absence.
Philip F. Voorhees	December 9, 1814	New Jersey	North Carolina 74, Mediterranean.
Benjamin Cooper	December 9, 1814	New Jersey	Leave of absence.
Wm. L. Gordon	December 9, 1814	Virginia	Navy yard, New York.
Silas Duncan	December 9, 1814	New Jersey	Waiting orders.
James Ramage	December 9, 1814	Pennsylvania	Leave of absence.
David Geisinger	December 9, 1814	Maryland	Receiving ship, Philadelphia.
Robert F. Stockton	December 9, 1814	New Jersey	Leave of absence.
Thos. S. Cunningham	December 9, 1814	England	Barrataria.
Isaac McKeever	December 9, 1814	Pennsylvania	Leave of absence.
John P. Zantzinger	December 9, 1814	Pennsylvania	Leave of absence.
Charles E. Crowley	December 9, 1814	South Carolina	Schooner Shark.
Wm. D. Salter	December 9, 1814	New York	Leave of absence.
Charles S. M'Cauley	December 9, 1814	Pennsylvania	Receiving ship, Charlestown.
John H. Bell	December 9, 1814	North Carolina	Sloop Erie, Mediterranean.
Thomas M. Newell	December 9, 1814	Georgia	Furlough.
Elie A. F. Vallette	December 9, 1814	Virginia	Frigate Constitution, Mediterranean.
Wm. A. Spencer	December 9, 1814	New York	Ship Cyane.
Thomas T. Webb	December 9, 1814	Virginia	Receiving ship, Norfolk.
John Percival	December 9, 1814	Massachusetts	Schooner Dolphin, Pacific ocean.
John H. Aulick	December 9, 1814	Virginia	Furlough.
Wm. V. Taylor	December 9, 1814	Rhode Island	Sloop Ontario.
Mirvin P. Mix	December 9, 1814	Connecticut	Leave of absence.
Bladen Dulany	December 9, 1814	Virginia	Frigate Brandywine.
James McGowan	December 9, 1814	Virginia	West India squadron.
Silas H. Stringham	December 9, 1814	New York	Receiving ship, New York.
Wm. A. C. Farragut	December 9, 1814	Louisiana	Leave of absence.
Geo. G. M'Culloh	December 9, 1814	Pennsylvania	Mediterranean.
Stephen Champlin	December 9, 1814	Rhode Island	Leave of absence.
Isaac Mayo	February 4, 1815	Maryland	North Carolina 74, Mediterranean.
Wm. K. Latimer	February 4, 1815	Maryland	Frigate Constellation.
Wm. Mervine	February 4, 1815	Pennsylvania	Leave of absence.
Thomas Crabb	February 4, 1815	Maryland	Navy yard, Washington.
Edward G. Babbit	May 1, 1815	Massachusetts	Leave of absence.
Thomas Paine, jr.	December 1, 1815	Rhode Island	Furlough.
James Armstrong	April 27, 1816	Kentucky	Frigate United States, P. O.
Joseph Smoot	April 27, 1816	Maryland	Frigate United States, P. O.
Robert B. Randolph	April 27, 1816	Virginia	North Carolina 74, Mediterranean.
Samuel L. Breese	April 27, 1816	New York	Leave of absence.
John Evans	April 27, 1816	New Jersey	Sloop Erie, Mediterranean.
Benjamin Page, jr.	April 27, 1816	England	Leave of absence.
John T. Ritchie	April 27, 1816	Maryland	Leave of absence.
John A. Wish	April 27, 1816	South Carolina	Leave of absence.
John Gwinn	April 27, 1816	Maryland	Navy yard, Charlestown.
Thomas W. Wymann	April 27, 1816	Massachusetts	Frigate Constitution, Med.
James L. Morris	April 27, 1816	New York	Furlough.
Andrew Fitzhugh	April 27, 1816	Virginia	North Carolina 74, Mediterranean.
John K. Carter	April 27, 1816	New York	Leave of absence.
Joseph Cross	April 27, 1816	Maryland	Furlough.
A. S. Ten Eick	April 27, 1816	New York	Receiving ship, New York.
Thos. S. Hamersley	April 27, 1816	Virginia	Leave of absence.
John White	April 27, 1816	Massachusetts	Charlestown, Massachusetts.
Wm. M. Robins	April 27, 1816	Maryland	Leave of absence.
Hiram Paulding	April 27, 1816	New York	Frigate United States, P. O.
John D. Williamson	April 27, 1816	New Jersey	North Carolina 74, Mediterranean.
Uriah P. Levy	March 5, 1817	Pennsylvania	United States ship Cyane.
Enoch H. Johns	March 5, 1817	Maryland	Furlough.
Charles Boarman	March 5, 1817	Maryland	Furlough.
French Forrest	March 5, 1817	Maryland	Leave of absence.

Naval register for 1826—LIEUTENANTS—Continued.

Names.	Date of commission.	Birth place.	Duty.
Edgar Freeman	March 5, 1817	New Jersey	Leave of absence.
Wm. E. McKenney	March 5, 1817	New York	Sloop Ontario, Mediterranean.
Wm. J. Belt	March 5, 1817	Maryland	Sloop Hornet,
Charles H. Caldwell	March 5, 1817	Massachusetts	Frigate Constellation.
Wm. Jamesson	March 5, 1817	Virginia	Brig Spark.
Wm. Boerum	March 5, 1817	New York	Leave of absence.
Chas. L. Williamson	March 5, 1817	New Jersey	Schooner Grampus.
Charles Gauntt	March 5, 1817	New Jersey	Philadelphia navy yard.
Wm. W. Ramsey	March 5, 1817	Virginia	Sloop Peacock, Pacific ocean.
Ralph Voorhies	March 5, 1817	New Jersey	Frigate Brandywine.
Alexander Eskridge	March 5, 1817	Virginia	Sloop Hornet.
Ebenezer Ridgeway	March 5, 1817	Massachusetts	Leave of absence.
Thomas A. Conover	March 5, 1817	New Jersey	Leave of absence.
Arch'd S. Campbell	March 5, 1817	Virginia	West India squadron.
Wm. Taylor	March 5, 1817	Virginia	North Carolina 74, Mediterranean.
John C. Long	March 5, 1817	New Hampshire	Sloop Peacock, Pacific ocean.
John H. Graham	March 5, 1817	Vermont	Rendezvous, New York.
Henry Henry	March 5, 1817	Maryland	Leave of absence.
Samuel W. Downing	March 5, 1817	New Jersey	Frigate Constitution.
William Pottenger	March 5, 1817	Maryland	Decoy.
Henry W. Ogden	March 5, 1817	New Jersey	Schooner Porpoise.
John H. Lee	March 5, 1817	Virginia	Rendezvous, Norfolk.
James M. McIntosh	April 1, 1818	Georgia	Leave of absence.
Josiah Tatnall	April 1, 1818	Georgia	Frigate Constitution, Med.
Wm. T. Temple	April 1, 1818	Virginia	Leave of absence.
George M'Cauley	April 1, 1818	Pennsylvania	Leave of absence.
Hugh N. Page	April 1, 1818	Virginia	Peacock.
John A. Cook	April 1, 1818	District of Columbia	United States schooner Porpoise.
William Inman	April 1, 1818	New York	Leave of absence.
Joel Abbott	April 1, 1818	Massachusetts	Furlough.
Lewis E. Simonds	April 1, 1818	Massachusetts	Pacific squadron.
John M. Dale	April 1, 1818	Pennsylvania	John Adams.
Harrison H. Cocke	April 1, 1818	Virginia	North Carolina 74, Mediterranean.
Wm. J. M'Cluney	April 1, 1818	Pennsylvania	Frigate Constellation.
Ephraim D. Whitlock	April 1, 1818	New Jersey	Suspended.
James Goodrum	April 1, 1818	Virginia	Leave of absence.
John B. Montgomery	April 1, 1818	New Jersey	Sloop Erie, Mediterranean.
Horace B. Sawyer	April 1, 1818	Vermont	Leave of absence.
C. B. Stribling	April 1, 1818	South Carolina	Leave of absence.
James E. Legare	April 1, 1818	South Carolina	Waiting orders.
Joshua R. Sands	April 1, 1818	New York	Leave of absence.
Allen Griffen	April 1, 1818	Maryland	North Carolina 74, Mediterranean.
John J. Young	March 28, 1820	New York	Sloop Hornet.
Charles H. Bell	March 28, 1820	New York	Waiting orders.
Abram Bigelow	March 28, 1820	Massachusetts	Leave of absence.
Zach. W. Nixon	March 28, 1820	Massachusetts	Not on duty.
Henry C. Newton	March 28, 1820	Virginia	Suspended.
Frank Ellery	March 28, 1820	Rhode Island	Cyane.
Frederick Varnum	March 28, 1820	Massachusetts	Leave of absence.
Joseph R. Jarvis	March 28, 1820	Massachusetts	Frigate Constellation, West Indies.
Thomas W. Freelon	March 28, 1820	New York	Frigate Brandywine.
Pardon M. Whipple	March 28, 1820	New York	West India squadron.
James Williams	March 28, 1820	Maryland	Peacock.
Samuel W. Le Compte	March 28, 1820	Maryland	Mediterranean squadron.
Charles T. Platt	March 28, 1820	New York	Leave of absence.
Wm. M. Armstrong	March 3, 1821	Kentucky	Frigate Constitution.
Wm. F. Shields	March 3, 1821	Georgia	Mediterranean squadron.
Garret J. Pendergrast	March 3, 1821	Kentucky	Leave of absence.
Wm. C. Nicholson	March 3, 1821	Maryland	Frigate United States, P. O.
James B. Cooper	April 22, 1822	New Jersey	Navy yard, Philadelphia.
Daniel H. Mackay	January 13, 1825	New York	North Carolina 74, Mediterranean.
E. W. Carpender	January 13, 1825	New York	Sloop Erie, Mediterranean.
John L. Saunders	January 13, 1825	Virginia	West India squadron.
Joseph B. Hull, jr	January 13, 1825	Connecticut	Frigate Constellation.
Jott Stone Paine	January 13, 1825	Maine	West India squadron.
John E. Prentiss	January 13, 1825	Massachusetts	West India squadron.
Joseph Moorehead	January 13, 1825	Ohio	Hornet.
Samuel B. Phelps	January 13, 1825	Connecticut	Cyane.
Wm. T. Rogers	January 13, 1825	New York	Furlough.
Thomas Pettigru	January 13, 1825	South Carolina	Erie, Mediterranean.
Augustus Cutts	January 13, 1825	Maine	Cyane.
John S. Chauncey	January 13, 1825	New York	Ontario, Mediterranean.
Irvine Shubrick	January 13, 1825	South Carolina	Brandywine.

Naval register for 1826—LIEUTENANTS—Continued.

Names.	Date of commission.	Birth place.	Duty.
Charles Ellery	January 13, 1825	Rhode Island	Leave of absence.
Thomas R. Gerry	January 13, 1825	Massachusetts	Furlough.
John Kelly	January 13, 1825	Pennsylvania	Furlough.
Hugh Dulany	January 13, 1825	South Carolina	Leave of absence.
Edmund Byrne	January 13, 1825	Pennsylvania	Leave of absence.
Edward L. Johnson	January 13, 1825	Rhode Island	Leave of absence.
Wm. H. Gardner	January 13, 1825	Maryland	Leave of absence.
David G. Farragut	January 13, 1825	Tennessee	Brandywine.
R. S. Pinkney	January 13, 1825	South Carolina	Leave of absence.
Stephen B. Wilson	January 13, 1825	New York	West India squadron.
E. C. Rutledge	January 13, 1825	North Carolina	Cyane.
Wm. S. Harris	January 13, 1825	Kentucky	Leave of absence.
Thomas Dornin	January 13, 1825	New York	Leave of absence.
John P. Tuttle	January 13, 1825	Connecticut	Leave of absence.
R. B. Cunningham	January 13, 1825	Virginia	Leave of absence.
James Glynn	January 13, 1825	Virginia	Leave of absence.
Joseph Myers	January 13, 1825	North Carolina	Mediterranean squadron.
W. C. Wetmore	January 13, 1825	New York	West India squadron.
Wm. B. Nicholson	January 13, 1825	Maryland	Receiving ship, New York.
Thomas R. Gedney	January 13, 1825	South Carolina	North Carolina 74, Mediterranean.
John Bubier	January 13, 1825	Massachusetts	Frigate United States, P. O.
Victor M. Randolph	January 13, 1825	Virginia	Leave of absence.
Joseph Cutts, jr	January 13, 1825	Maine	West India squadron.
Jacob Crowninshield	January 13, 1825	Massachusetts	Leave of absence.
Frederick Engle	January 13, 1825	Pennsylvania	Leave of absence.
Thomas S. Browne	January 13, 1825	Connecticut	Leave of absence.
A. J. D. Browne	January 13, 1825	Connecticut	Charlestown, Massachusetts.
Jesse Smith	January 13, 1825	Massachusetts	Furlough.
John H. Smith	January 13, 1825	New York	Leave of absence.
Francis Sanderson	January 13, 1825	Maryland	Navy yard, New York.
John Rudd	January 13, 1825	Rhode Island	Leave of absence.
Robert Riche	January 13, 1825	Pennsylvania	Receiving ship, Philadelphia.
David R. Stewart	January 13, 1825	Maryland	Leave of absence.
Wm. W. McKean	January 13, 1825	Pennsylvania	Philadelphia Navy yard.
Benjamin Tallmadge, jr.	January 13, 1825	Connecticut	Constitution.
Franklin Buchanan	January 13, 1825	Maryland	Leave of absence.
Hubbard H. Hobbs	January 13, 1825	Virginia	Leave of absence.
Samuel Mercer	January 13, 1825	Maryland	Leave of absence.
Charles Lowndes	January 13, 1825	South Carolina	Leave of absence.
Louis M. Goldsborough	January 13, 1825	District of Columbia	Leave of absence.
George N. Hollins	January 13, 1825	Maryland	Grampus.
Duncan N. Ingraham	January 13, 1825	South Carolina	Charleston, South Carolina.
John Marston, jr	January 13, 1825	Massachusetts	Brandywine.
Henry Bruce	January 13, 1825	Massachusetts	Leave of absence.
Wm. D. Newman	January 13, 1825	New York	West India squadron.
Henry A. Adams	January 13, 1825	Pennsylvania	West India squadron.
Alex'r B. Pinkham	January 13, 1825	Massachusetts	West India squadron.
Wm. H. Homer	January 13, 1825	Massachusetts	Frigate United States, P. O.
James D. Knight	January 13, 1825	South Carolina	Furlough.
John Mattison	January 13, 1825	New Jersey	West India squadron.
William S. Walker	January 13, 1825	New Hampshire	Navy yard, Charlestown.
Alexander Slidell	January 13, 1825	New York	Mediterranean squadron.
James G. Boughan	January 13, 1825	Virginia	Constellation.
George F. Pearson	January 13, 1825	New Hampshire	Schooner Porpoise.
Lieutenants—209.			

SURGEONS.

Edward Cutbush	June 24, 1799	Pennsylvania	Navy hospital, Washington.
Samuel R. Marshall	January 16, 1800	Pennsylvania	Navy hospital, New York.
Lewis Heermann	November 27, 1804	Germany	Navy hospital, New Orleans.
Jonathan Cowdery	November 27, 1804	Massachusetts	Norfolk station.
Robert L. Thorn	March 3, 1809	New York	West India squadron.
Wm. P. C. Barton	April 28, 1809	Pennsylvania	Navy yard, Philadelphia.
George Logan	April 14, 1810	South Carolina	Charleston, South Carolina—unwell.
Robert S. Kearney	July 28, 1810	Ireland	Washington city—unwell.
Thomas Harris	July 6, 1812	Pennsylvania	Navy hospital, Philadelphia.
William Turk	July 24, 1813	New York	Leave of absence.
Hyde Ray	July 24, 1813	Maryland	Waiting orders.
Walter W. Buchanan	July 24, 1813	New Jersey	Furlough.
Gerard Dayers	July 24, 1813	Flanders	Rendezvous, Boston.
Benjamin P. Kissam	July 24, 1813	New York	Leave of absence.
John A. Kearney	July 24, 1813	Ireland	Navy yard, Charlestown.
Bailey Washington	July 24, 1813	Virginia	North Carolina 74, Mediterranean.
Charles B. Hamilton	April 15, 1814	Virginia	Marine barracks, H. Q.

Naval register for 1826—SURGEONS—Continued.

Names.	Date of commission.	Birth place.	Station.
William Swift	April 15, 1814	Massachusetts	Rendezvous, New York.
Thomas B. Salter	May 22, 1815	New Jersey	Pensacola.
Peter Christie	April 27, 1816	New Jersey	Constellation.
Samuel Jackson	March 27, 1818	New York	Constitution.
Andrew B. Cooke	March 27, 1818	New York	Navy yard, Brooklyn, New York.
John H. Gordon	March 27, 1818	Pennsylvania	Rendezvous, Philadelphia.
Leonard Osborne	March 27, 1818	Maryland	Ontario.
Thomas Williamson	March 27, 1818	Maryland	Hospital, Gosport, Virginia.
Geo. S. Sproston	March 27, 1818	Maryland	Baltimore rendezvous.
Elnathan Judson	March 27, 1818	Massachusetts	Navy hospital, Washington.
Benajah Ticknor	July 10, 1824	Vermont	Leave of absence.
Mordecai Morgan	July 10, 1824	Pennsylvania	Leave of absence.
Thomas J. Boyd	July 10, 1824	Delaware	John Adams.
John W. Peaco	July 10, 1824	Maryland	At Mesurado.
William Birchmore	July 10, 1824	England	Brandywine.
James Cornick	May 2, 1825	Virginia	Leave of absence.
Charles Chase	May 3, 1825	Maine	Portsmouth, New York.
William D. Babbit	May 4, 1825	Massachusetts	Cyane.
David S. Edwards	May 5, 1825	Connecticut	Navy hospital, New York.
Isaac Hulse	May 6, 1825	New York	Hornet.
Alex'r M. Montgomery	May 7, 1825	New Jersey	Receiving ship, New York.
John S. Wily	May 9, 1825	Maryland	Mediterranean squadron.
Surgeons—39.			

SURGEONS' MATES.

William Belt	September 23, 1811	Maryland	Sloop Peacock, Pacific ocean.
Benjamin A. Wells	December 10, 1814	Maryland	Sloop Peacock, Pacific ocean.
James Norris	December 10, 1814	New Hampshire	Leave of absence.
Thomas V. Wicsenthal	December 10, 1814	Maryland	Baltimore station.
James R. Boyce	April 27, 1816	Virginia	Navy hospital, Gosport, Virginia.
Richard Stevens	December 28, 1818	New York	Leave of absence.
John Fitzhugh, jr.	December 28, 1818	Maryland	Frigate United States, P. O.
Wm. Williamson	March 28, 1820	New Jersey	Frigate Constellation.
George Terrill	March 28, 1820	Virginia	Navy hospital, Philadelphia.
Edmund L. Dubarry	May 26, 1824	Pennsylvania	Leave of absence.
Stephen Rapalje	May 26, 1824	New York	Shark.
John Haslett	May 26, 1824	South Carolina	Spark.
Henry W. Bassett	May 26, 1824	Maryland	Cyane.
Benjamin R. Tinslar	May 26, 1824	New York	United States, Pacific ocean.
Waters Smith	May 26, 1824	Florida	Constitution.
Cornelius Moore	May 26, 1824	New York	Cyane.
Thomas J. Bradner	May 26, 1824	New York	United States, Pacific ocean.
Benjamin F. Bache	July 9, 1824	Pennsylvania	North Carolina 74, Mediterranean.
Charles B. Jaudon	July 12, 1824	Pennsylvania	North Carolina 74, Mediterranean.
Robert P. Macomber	July 13, 1824	Rhode Island	Porpoise.
De Witt Birch	July 14, 1824	New York	Constitution.
Augustus A. Adee	July 15, 1824	New York	John Adams.
John R. Chandler	November 14, 1824	District of Columbia	North Carolina 74, Mediterranean.
Thomas Dillard	November 15, 1824	Virginia	Grampus.
Augustin P. Beers	November 16, 1824	New York	North Carolina 74, Mediterranean.
Richard Kennon	November 17, 1824	Virginia	Navy hospital, Gosport.
John H. Imlay	November 16, 1824	New Jersey	Philadelphia rendezvous.
Wm. A. Browning	January 24, 1825	Mississippi	Leave of absence.
James M. Greene	April 20, 1825	Pennsylvania	Barrataria.
Gideon White, jr.	May 2, 1825	Maryland	West India squadron.
William Plumstead	May 13, 1825	Pennsylvania	Brandywine.
George W. Codwise	May 14, 1825	New York	Constellation.
John Francis Brooke	May 16, 1825	Virginia	Brandywine.
Charles Wayne	August 29, 1825	Pennsylvania	Constellation.
Surgeons' Mates—34.			

PURSERS.

Isaac Garretson	April 25, 1812	Pennsylvania	Baltimore station.
Clement S. Hunt	April 25, 1812	Maryland	Newport, R. I., acting Navy agent.
Gwinn Harris	April 25, 1812	Maryland	Leave of absence.
John H. Carr	April 25, 1812	England	Philadelphia station.
Nathaniel Lyde	April 25, 1812	Massachusetts	Portsmouth, New Hampshire.
Samuel Hambleton	April 25, 1812	Maryland	Leave of absence.
Robert C. Ludlow	April 25, 1812	New Nork	Navy yard, Charlestown.
John B. Timberlake	April 25, 1812	Virginia	Frigate Constitution, Mediterranean.
Thomas I. Chew	April 25, 1812	Massachusetts	New York station.
Thomas Shields	April 25, 1812	Delaware	Not on duty.
Lewis Deblois	April 25, 1812	Massachusetts	Not on duty.
Francis A. Thornton	April 25, 1812	Virginia	Frigate Constellation.

Naval register for 1826—PURSERS—Continued.

Names.	Date of commission.	Birth place.	Station.
James M. Halsey	April 25, 1812	New York	North Carolina 74, Mediterranean.
Edward Fitzgerald	April 25, 1812	Pennsylvania	Waiting orders.
Alexander P. Darragh	April 25, 1812	Delaware	Navy yard, Gosport.
William S. Rogers	February 26, 1813	Rhode Island	Charlestown station.
Samuel P. Todd	March 1, 1813	Pennsylvania	Navy yard, Philadelphia.
George Beale	July 24, 1813	Virginia	United States, Pacific ocean.
James H. Clark	July 24, 1813	New York	Navy yard, New York.
Joseph Wilson	July 24, 1813	Massachusetts	Waiting orders.
Joseph B. Wilkinson	March 26, 1814	Kentucky	New Orleans.
William Sinclair	March 26, 1814	Massachusetts	Charleston, S. C., acting Navy agent.
John N. Todd	March 1, 1815	Pennsylvania	Waiting orders.
Timothy Winn	May 17, 1815	Massachusetts	Navy yard, Washington.
William M. Sands	May 20, 1815	New York	Sackett's Harbor.
Joseph H. Terry	June 6, 1815	New York	Cyane.
Thomas Breeze	July 8, 1815	Rhode Island	Waiting orders.
Gardner Thomas	July 12, 1815	Massachusetts	Leave of absence.
Ashton Y. Humphreys	July 22, 1815	Pennsylvania	Peacock, Pacific ocean.
John De Bree	December 29, 1817	New Jersey	Receiving ship, Norfolk.
Charles O. Handy	December 29, 1817	Rhode Island	Leave of absence.
Silas Butler	December 29, 1817	New York	Receiving ship, New York.
Edward N. Cox	March 28, 1820	New York	Brandywine.
Nathaniel H. Perry	March 28, 1820	Rhode Island	Erie, Mediterranean.
John N. Hambleton	May 26, 1824	Maryland	John Adams.
Joseph Watson	May 26, 1824	Massachusetts	Leave of absence.
Wm. McMurtrie	May 26, 1824	Pennsylvania	Ontario, Mediterranean.
Garret R. Barry	January 15, 1824	Pennsylvania	Grampus, West Indies.
William P. Zantzinger	August 2, 1824	Pennsylvania	Spark, West Indies.
Daniel McF. Thornton	December 30, 1824	Virginia	Shark, West Indies.
Josiah Colston	May 28, 1825	Maryland	Porpoise.
Robert Pottenger	July 16, 1825	Maryland	Hornet.
Pursers—42.			

CHAPLAINS.

John Cook	May 19, 1812	England	Not on duty.
Nathaniel Andrews	August 16, 1816	England	Leave of absence.
James Brooks	December 28, 1818	Virginia	New York.
James Everett	December 28, 1818	Massachusetts	Navy yard, Charlestown.
Addison Searle	April 27, 1820	New Hampshire	Leave of absence.
Burgess Allison	March 3, 1823	New Jersey	Navy yard, Washington.
Cave Jones	May 26, 1824	New York	Navy yard, Brooklyn, New York.
John M'Carty	March 3, 1825	New York	Constitution.
John W. Grier	March 3, 1825	Pennsylvania	Waiting orders.
John Addison	March 3, 1825	Maryland	Waiting orders.
Chaplains—10.			

MIDSHIPMEN PASSED FOR PROMOTION.*

1820.			
John M. Sullivan	March 1, 1813	New York	New York station.
1825.			
James T. Gerry	December 20, 1815	Massachusetts	Furlough.
David H. Porter	August 4, 1814	Pennsylvania	John Adams.
Wm. H. Campbell	May 30, 1816	Maryland	Leave of absence.
James P. Wilson	January 1, 1817	Maryland	Leave of absence.
James E. Calhoun	May 30, 1816	South Carolina	Leave of absence.
Henry D. Scott	May 30, 1816	Maryland	Leave of absence.
Charles Wilkes, jr.	January 1, 1818	New York	Leave of absence.
Elisha Peck	March 4, 1817	Connecticut	Brandywine.
John R. Coxe, jr.	July 4, 1817	Pennsylvania	Waiting orders.
A. H. Hopkinson	Septemb'r 25, 1817	Pennsylvania	Waiting orders.
Thomas J. Manning	January 1, 1817	New Jersey	Porpoise.
William Foster	February 4, 1814	New Jersey	Shark.
William L. Howard	January 10, 1815	New Jersey	Cyane.
William P. Piercy	March 15, 1815	Pennsylvania	Navy yard, Washington.
Midshipmen passed for promotion—15.			

MIDSHIPMEN.

A.			
George Adams	January 1, 1818	Delaware	Grampus.
Henry J. Auchmuty	May 10, 1820	Rhode Island	Cyane.
Isaac H. Abbott	May 10, 1820	Maine	Leave of absence.
James W. Abbott	May 1, 1822	Michigan	Constellation.

* There are several midshipmen whose warrants bear date previous to 1st January, 1818, who have not had an opportunity to be examined, and who will be placed in this list according to their respective merits as soon as an examination can be afforded to them. The order in which the names now stand will therefore probably be changed.

Naval register for 1826—MIDSHIPMEN—Continued.

Names.	Date of commission.	Birth place.	Duty.
Robert W. Alden	May 1, 1822	New Hampshire	Grampus.
Joseph Arnold	March 4, 1823	Georgia	Constitution.
Charles M. Armstrong	March 4, 1823	New Jersey	Constitution.
Gurden C. Ashton	December 9, 1823	Virginia	Frigate Constellation.
Mark T. Anderson	January 1, 1825	Tennessee	Pensacola.
William H. Alexander	March 1, 1825	Pennsylvania	Frigate Constellation.
B.			
Samuel Barron	January 1, 1812	Virginia	Frigate Brandywine.
Russell Baldwin	May 17, 1813	New York	Leave of absence.
Timothy G. Benham	November 30, 1814	Connecticut	Leave of absence.
Joseph Bowman	July 8, 1815	Pennsylvania	Furlough.
Archibald R. Bogardus	December 26, 1815	New York	Furlough.
Oscar Bullus	January 1, 1817	District of Columbia	New York station.
Abram I. Bennett	July 4, 1817	Delaware	Leave of absence.
George S. Blake	January 1, 1818	Massachusetts	Navy yard, Charlestown.
Joshua Barney	January 1, 1818	Maryland	Furlough.
Theodorus Bailey, jr.	January 1, 1818	New York	Shark.
Joseph R. Blake	January 1, 1818	District of Columbia	Peacock.
Thomas McK. Buchanan	November 3, 1818	Maryland	Leave of absence.
Edward B. Boutwell	March 3, 1819	Virginia	Ontario.
Joseph R. Brown	July 10, 1819	Pennsylvania	New York station.
John E. Bispham	December 13, 1819	Pennsylvania	United States.
S. M. Breckenridge	December 15, 1819	Kentucky	John Adams.
Edward O. Blanchard	May 10, 1820	Mississippi	North Carolina 74, Mediterranean.
John C. Bunner	May 1, 1822	New York	Mediterranean squadron.
Patrick F. Bradlee	September 1, 1822	Massachusetts	United States.
John L. Ball	December 4, 1822	Virginia	North Carolina 74, Mediterranean.
George Briard	March 4, 1823	New Hampshire	West India squadron.
Robert L. Browning	March 4, 1823	Kentucky	West India squadron.
Henry H. Bell	August 4, 1823	North Carolina	Sloop Erie, Mediterranean.
Edward Boyd	August 19, 1823	New York	Sloop Erie, Mediterranean.
Junius Boyle	August 27, 1823	Maryland	United States.
John R. Bryan	October 4, 1823	Georgia	Peacock.
Owen Burns	December 1, 1824	North Carolina	Navy yard, Norfolk.
George M. Bache	January 1, 1825	Pennsylvania	Brandywine.
Thomas Ballue	January 1, 1825	Tennessee	West India squadron.
Joshua J Boyd	January 1, 1825	Michigan	Corvette Cyane.
Solomon D. Betton	January 1, 1825	Georgia	Brandywine.
Francis Bartlett	March 1, 1825	Massachusetts	Portsmouth, New Hampshire.
Simon B. Bissell	March 1, 1825	Vermont	Portsmouth, New Hampshire.
John M. Berrien	March 1, 1825	Georgia	West India squadron.
Thomas W. Brent	March 1, 1825	District of Columbia	Brandywine.
James Bradford	June 16, 1825	Louisiana	Waiting orders.
C.			
Joseph S. Cornwell	January 1, 1812	New York	West India squadron.
Joseph S. Cannon	February 26, 1814	Delaware	Waiting orders.
Charles B. Childs	January 28, 1815	New York	Leave of absence.
John Addison Carr	July 4, 1817	Maryland	North Carolina 74, Mediterranean.
Samuel B. Cocke	January 1, 1818	Virginia	West India squadron.
John Cassin	November 3, 1818	Pennsylvania	Erie.
John Colhoun	January 25, 1821	Pennsylvania	United States.
Thomas T. Craven	May 1, 1822	District of Columbia	United States.
C. W. Chauncey	May 1, 1822	New York	North Carolina 74, Mediterranean.
William C. Carrington	February 6, 1823	North Carolina	Leave of absence.
Horatio N. Cady	March 4, 1823	New Hampshire	Constellation.
Philander F. Canedy	March 4, 1823	Vermont	Cyane.
Walter C. Cutts	March 4, 1823	Maine	United States.
Jerome Callan	March 4, 1823	Pennsylvania	Cyane.
Frederick Chatard	November 16, 1824	Maryland	North Carolina 74, Mediterranean.
Charles Crillon	December 1, 1824	Pennsylvania	
John B. Cutting, jr.	January 1, 1825	Virginia	Brandywine.
John C. Carter	January 1, 1825	Kentucky	Spark.
James S. Cosby	January 1, 1825	Louisiana	New Orleans.
Alfred Cutler	January 1, 1825	Indiana	Navy yard, Norfolk.
Henry A. Chambers	January 1, 1825	North Carolina	Hornet.
Richard S. Coxe	March 1, 1825	New Jersey	Porpoise.
John W. Cox, jr.	March 1, 1825	Ohio	Receiving ship, Philadelphia.
D.			
Samuel F. Dupont	December 29, 1815	New Jersey	North Carolina 74, Mediterranean.
Albert E. Downes	January 1, 1818	Massachusetts	United States, Pacific ocean.
Fitz Allen Deas	July 4, 1821	South Carolina	John Adams.
Nathaniel W. Duke	May 1, 1822	Kentucky	Erie.

Naval register for 1826—MIDSHIPMEN—Continued.

Names.	Date of commission.	Birth place.	Duty.
Thomas Dimmock	March 4, 1823	Massachusetts	Leave of absence.
John A. Davis	March 4, 1823	North Carolina	Brandywine.
John Doyle	June 17, 1823	Maine	Spark.
Charles H. Davis	August 12, 1823	Massachusetts	United States.
Charles H. Duryee	August 19, 1823	New York	Erie.
Ezra T. Doughty	May 3, 1824	New York	Brandywine.
Joseph O. Devezin	October 16, 1824	Louisiana	Constellation.
James F. Duncan	November 12, 1825	Pennsylvania	Cyane.
John C. Davidson	November 22, 1825	District of Columbia	Cyane.
E.			
Henry Etting	January 1, 1818	Maryland	Leave of absence.
Henry Eagle, jr	January 1, 1818	New York	Erie.
Francis B. Ellison	May 28, 1819	New York	Porpoise.
William B. Everett	February 1, 1823	Maryland	Furlough.
Alexander H. Edwards	March 4, 1823	Michigan	Constitution.
Thos. Octs. L. Elwyn	September 24, 1825	New Hampshire	
F.			
Lewis C. F. Fatio	March 8, 1822	Pennsylvania	Leave of absence.
Andrew H. Foot	December 4, 1822	Connecticut	Peacock.
Ebenezer Farrand	March 4, 1823	New York	Leave of absence.
Arch'd B. Fairfax	August 4, 1823	Virginia	Leave of absence.
Robert Fitzhugh	January 1, 1825	New York	Cyane.
Timothy B. Field	March 1, 1825	Connecticut	Charlestown Navy yard.
G.			
William Green	January 1, 1818	Virginia	Leave of absence.
Alex r G. Gordon	January 1, 1818	District of Columbia	Erie.
William M. Glendy	January 1, 1818	Virginia	Sloop Boston.
Charles W. Gay	October 27, 1818	Massachusetts	Brandywine.
John Graham	February 27, 1819	Kentucky	North Carolina 74, Mediterranean.
Sylvanus Godon	March 4, 1819	Pennsylvania	Navy yard, Philadelphia.
Farnifold Green	May 1, 1822	North Carolina	Leave of absence.
Alex'r Gibson	July 4, 1822	Virginia	Constellation.
John J. Glasson	February 1, 1823	New York	North Carolina 74, Mediterranean.
Guert Gansevoort	March 4, 1823	New York	Constitution.
Israel S. Griffin	March 4, 1823	Maryland	North Carolina 74, Mediterranean.
William F. Grymes	March 4, 1823	Virginia	Navy yard, New York.
Helmuth J. Gaedicke	August 19, 1823	West Indies	Porpoise.
James B. Glentworth	August 19, 1823	Pennsylvania	Leave of absence.
John R. Goldsborough	November 16, 1824	District of Columbia	North Carolina 74, Mediterranean.
John Graham	January 1, 1825	Connecticut	John Adams.
Arch'd M. Green	March 1, 1825	Virginia	Grampus.
H.			
Levy M. Harby	June 18, 1812	South Carolina	Leave of absence.
William L. Hudson	January 1, 1816	New York	Furlough.
Lucius C. Heylen	January 1, 1817	Pennsylvania	Furlough.
Stern Humphreys	January 1, 1818	New York	Leave of absence.
Andrew A. Harwood	January 1, 1818	Pennsylvania	Constitution.
Charles E. Hawkins	March 4, 1818	New York	Navy yard, New York.
John Hamilton	July 4, 1818	New York	Sloop Boston.
James T. Homans	December 3, 1819	Massachusetts	Leave of absence.
Cary H. Hansford	May 10, 1820	Virginia	Brandywine.
Paul H. Hayne	May 10, 1820	South Carolina	Brandywine.
Jefferson Hansford	December 4, 1821	Virginia	Peacock.
Thomas J. Harris	May 1, 1822	Pennsylvania	Peacock.
William W. Hunter	May 1, 1822	Louisiana	North Carolina 74, Mediterranean.
John W. Hunt, jr	May 1, 1822	Kentucky	Furlough.
Samuel F. Hazard	January 1, 1823	Rhode Island	Peacock.
Edward Hoban	February 1, 1823	District of Columbia	Constitution.
Neil McHowison	February 1, 1823	Virginia	Peacock, Pacific ocean.
E. H. Hubbard	March 4, 1823	Maine	Constellation.
John E. Holt	March 4, 1823	Virginia	North Carolina 74, Mediterranean.
Charles P. C. Harrison	June 4, 1823	West Indies	Spark.
William C. Homes	August 25, 1823	Massachusetts	Peacock.
William E. Hunt	October 28, 1823	New Jersey	United States.
Henry Hoff	October 28, 1823	South Carolina	Brandywine.
Horatio M. Houston	May 12, 1824	Pennsylvania	North Carolina 74.
George M. Hooe	October 21, 1824	Virginia	North Carolina 74.
Charles G. Hunter	November 16, 1824	New Jersey	North Carolina 74.
William A. Howard	January 1, 1825	Maine	Charlestown Navy yard.
John S. Hart	January 1, 1825	Kentucky	Sloop Boston.
Robert B. Hitchcock	January 1, 1825	Connecticut	Shark.

Naval register for 1826—MIDSHIPMEN—Continued.

Names.	Date of commission.	Birth place.	Duty.
George Hurst	January 1, 1825	Pennsylvania	Philadelphia Navy yard.
Pleasant M. Huie	January 1, 1825	North Carolina	Hornet.
Mark Hale	March 1, 1825	Vermont	Navy yard, Charlestown.
Timothy A. Huntt	March 1, 1825	Connecticut	Navy yard, Charlestown.
William F. Hooe	August 1, 1825	Virginia	Hornet.
Robert Monroe Harrison	November 9, 1825	Sweden	Porpoise.
I.			
George Izard, jr	January 1, 1818	Pennsylvania	Leave of absence.
Jonathan Ingersoll	March 4, 1823	Connecticut	Brandywine.
Harry Ingersoll	February 28, 1824	Pennsylvania	Brandywine.
William F. Irving	January 1, 1825	New York	Brandywine.
Andrew M. Irwin	March 1, 1825	Pennsylvania	Brandywine.
J.			
Richard A. Jones	June 18, 1812	Delaware	Leave of absence.
Joshua H. Justin	November 30, 1814	Rhode Island	Leave of absence.
Robert W. Jones	January 1, 1818	New York	New York station.
Zachariah F. Johnston	January 1, 1818	Maryland	Leave of absence.
Charles H. Jackson	March 4, 1818	Georgia	Grampus.
Kinsey Johns	January 1, 1823	Maryland	Brandywine.
Robert Jones	March 4, 1823	Louisiana	Cyane.
John T. Jenkins	March 4, 1823	New York	Constitution.
Stephen Johnston	June 28, 1823	Ohio	Constellation.
Joseph W. Jarvis	January 1, 1825	North Carolina	Hornet.
William J. Jenkins	March 1, 1825	Pennsylvania	Cyane.
K.			
William H. Kennon	January 1, 1817	Virginia	United States.
Stephen P. Kingston	January 1, 1817	Pennsylvania	Receiving ship, Philadelphia.
C. H. A. H. Kennedy	February 10, 1819	Virginia	North Carolina 74, Mediterranean.
Augustus H. Kilty	July 4, 1821	Maryland	West India squadron.
Francis Key	May 15, 1823	District of Columbia	John Adams.
Lewis G. Keith	July 1, 1825	Virginia	Porpoise.
L.			
Thomas J. Leib	September 1, 1811	Pennsylvania	Philadelphia.
Arthur Lewis	January 1, 1817	Virginia	Peacock, Pacific ocean.
Andrew K. Long	January 1, 1818	Maryland	Constellation.
John H. Little	January 1, 1818	Maryland	Leave of absence.
William F. Lynch	January 26, 1819	Virginia	Brandywine.
James L. Lardner	May 10, 1820	Pennsylvania	Brandywine.
Edward S. Lewis	May 10, 1820	Connecticut	Cyane.
Samuel Lockwood	July 12, 1820	Connecticut	Constellation.
Sidney Smith Lee	December 30, 1820	Virginia	North Carolina 74, Mediterranean.
N. C. Lawrence	May 1, 1822	New York	United States.
William Leggett	December 4, 1822	Illinois	New York station.
James B. Lardner	December 4, 1822	Pennsylvania	West India squadron.
William B. Lyne	March 4, 1823	North Carolina	Constellation.
Robert J. Livingston	April 15, 1824	New York	
Joshua W. Larkin	December 1, 1824	New Hampshire	Constellation.
Joseph Lanman	January 1, 1825	Connecticut	New York station.
William Lindsay	January 1, 1825	Alabama	
William P. Livingston	March 1, 1825	New York	
Samuel Phillips Lee	November 22, 1825	Virginia	
M.			
Humphrey A. H. Morris	January 1, 1817	England	Cyane.
George A. Magruder	January 1, 1817	Virginia	Waiting orders.
John Marshall	January 1, 1818	Virginia	Navy yard, Norfolk.
Alexander M. Mull	January 1, 1818	Maryland	Mediterranean squadron.
Charles V. Morris	January 1, 1818	New York	Shark.
Henry W. Morris	August 21, 1819	New York	Constitution.
John Manning	May 10, 1820	North Carolina	Peacock.
Richard D. Millen	May 10, 1820	Georgia	Constitution.
Richard R. McMullen	May 10, 1820	New York	Constellation.
John W. Mooers	May 10, 1820	New York	Cyane.
Richard H. Morris	May 10, 1820	Vermont	Constitution.
John H. Marshall	May 10, 1820	Virginia	Constitution.
Francis Mallory	May 1, 1822	Virginia	Furlough.
Alexander H. Mitchell	March 4, 1823	Tennessee	Hornet.
Charles H. McBlair	March 4, 1823	Maryland	United States.
William M. A. Moore	August 19, 1823	Virginia	United States.
Samuel Evans Munn	August 27, 1823	New York	Ontario.
Albert McDaniel	August 27, 1823	District of Columbia	United States.
Murray Mason	November 14, 1823	District of Columbia	Ontario.

Naval register for 1826—MIDSHIPMEN—Continued.

Names.	Date of commission.	Birth place.	Duty.
John H. Maulsby	April 21, 1824	Maryland	Constellation.
John Stoney Missroom	June 27, 1824	South Carolina	Constellation.
A. H. Marbury	July 14, 1824	District of Columbia	Constellation.
William McBlair	November 16, 1824	Maryland	North Carolina 74, Mediterranean.
Henry Mifflin	December 1, 1824	Pennsylvania	Brandywine.
Augustus Marrast	January 1, 1825	Alabama	West India squadron.
Edwin W. Moore	January 1, 1825	Virginia	Hornet.
John K. Mitchell	February 1, 1825	Florida	West India squadron.
Matthew F. Maury	February 1, 1825	Tennessee	Brandywine.
Henry Moore	March 1, 1825	Maine	Portsmouth, New Hampshire.
James W. Marshal	March 1, 1825	Kentucky	Brandywine.
Henry Kip Mower	March 1, 1825	New York	Constitution.
Horatio G. Myers	November 25, 1825		
N.			
Robert H. Nichols	September 1, 1811	New York	Receiving ship, New York.
John S. Nichols	June 6, 1815	Virginia.	Waiting orders.
Joseph M. Nicholson	August 30, 1816	Maryland.	Leave of absence.
Frederick A. Neville	May 10, 1820	Ohio.	Porpoise.
Lloyd B. Newell	May 10, 1820	Georgia.	Constitution.
William H. Noland	December 13, 1823	Virginia.	Ontario.
James Noble	May 27, 1824	Kentucky.	North Carolina 74, Mediterranean.
Jefferson Nailor	January 1, 1825	Mississippi.	West India squadron.
O.			
William S. Ogden	July 26, 1820	New York	Brandywine.
Gabriel A. O'Brien	January 1, 1825	Pennsylvania	Cyane.
Lewis Ogden	March 1, 1825	New York	Brandywine.
P.			
John W. Palmer	November 30, 1814	Connecticut	Waiting orders.
John Pope	May 30, 1816	Maine	Constitution.
Levin M. Powell	March 1, 1817	Virginia	North Carolina 74, Mediterranean.
Reuben R. Pinkham	January 1, 1818	Massachusetts.	Furlough.
William Pearson	January 1, 1818	New Jersey	Waiting orders.
Hugh Y. Purviance	November 3, 1818	Maryland	North Carolina 74, Mediterranean.
Henry Pinckney	November 3, 1818	Maryland	United States.
Alexander F. Porter	March 19, 1819	Delaware	New York station.
James M. Prevost	November 12, 1819	New York	Waiting orders.
Amasa Paine, jr	May 1, 1822	Vermont	Constitution.
C. W. Pickering	May 1, 1822	New Hampshire	Leave of absence.
Lawrence Pennington	November 22, 1822	Pennsylvania	United States.
William D. Porter	January 1, 1823	Massachusetts	Brandywine.
James S. Palmer	January 1, 1825	New Jersey	New York.
Charles H. Poor	March 1, 1825	Massachusetts	John Adams.
George A. Prentiss	March 1, 1825	New Hampshire	Portsmouth, New Hampshire.
Richard L. Page	March 1, 1825	Virginia	Brandywine.
William Peter	April 12, 1825	District of Columbia	Peacock.
R.			
Samuel Renshaw	July 4, 1805	Pennsylvania	Rendezvous, Philadelphia.
Edmund M. Russel	June 18, 1812	Massachusetts	United States.
John G. Rodgers	July 4, 1817	Maryland	Constellation.
John M. Rinker	January 1, 1818	Pennsylvania	Philadelphia.
Cadwalader Ringgold	March 4, 1819	Maryland	Leave of absence.
Hillary H. Rhodes	May 10, 1820	District of Columbia	Waiting orders.
Robert G. Robb	September 6, 1821	Virginia	Constitution.
Daniel L. Randolph	May 1, 1822	Rhode Island	North Carolina 74, Mediterranean.
Quinton Ratcliffe	February 1, 1823	Virginia	Peacock.
Frederick Rogers	March 4, 1823	Maryland	North Carolina 74, Mediterranean.
William Rowan	March 4, 1823	Ohio	Leave of absence.
H. E. V. Robinson	March 4, 1823	Missouri	West India squadron.
James H. Rowan	August 19, 1823	New York	Cyane.
Horatio N. Russell	January 1, 1825	Massachusetts	
Charles S. Renshaw	January 1, 1825	Pennsylvania	John Adams.
John A. Russ	March 1, 1825	Maine	Charlestown Navy yard.
William Radford	March 1, 1825	Missouri	Brandywine.
Charles K. Ruffin	October 24, 1825	Ohio	Navy yard, New York.
S.			
John Swartwout	November 9, 1813	New York	Waiting orders.
Jonathan W. Sherburne	November 30, 1814	New Hampshire	Surveying Florida coast.
William Seton	July 4, 1817	New Hampshire	Waiting orders.
Thomas O. Selfridge	January 1, 1818	Massachusetts	North Carolina 74, Mediterranean.
Albert G. Slaughter	November 3, 1818	Virginia	Constellation.
Isaac S. Sterett	March 24, 1819	Maryland	North Carolina 74.

Naval register for 1826—Midshipmen—Continued.

Names.	Date of commission.	Birth place.	Duty.
Thompson D. Shaw	May 10, 1820	Pennsylvania	Philadelphia.
Samuel Swartwout	May 10, 1820	New York	New York station.
Thomas Sands	May 10, 1820	Maryland	Furlough.
Joseph Stallings	May 10, 1820	Maryland	West India squadron.
Samuel W. Stockton	December 1, 1821	New Jersey	United States.
Sanford A. Street	March 4, 1822	New York	Ontario, Mediterranean.
David M. Stokes	May 1, 1822	North Carolina	Navy yard, Norfolk.
Francis Stone	May 1, 1822	New Jersey	West India squadron.
Edward Schermerhorn	May 1, 1822	New York	United States.
William J. Slidell	January 1, 1823	New York	North Carolina 74, Mediterranean.
Philip A. Stockton	February 1, 1823	New Jersey	Constitution.
Arthur Sinclair, jr	March 4, 1823	Virginia	Leave of absence.
William Smith	March 4, 1823	Kentucky	West India squadron.
Henry Skinner, jr	March 4, 1823	Pennsylvania	Spark.
Grey Skipwith	March 4, 1823	Tennessee	New York.
Augustus R. Strong	June 20, 1823	Ohio	United States.
Lloyd L. Spilman	August 19, 1823	Virginia	Peacock.
Jonathan W. Swift	August 25, 1823	Massachusetts	Leave of absence.
Cary W. Selden	November 16, 1824	Virginia	North Carolina 74, Mediterranean.
James Southard	November 16, 1824	New Jersey	North Carolina 74, Mediterranean.
James B. Sullivan	December 1, 1824	Massachusetts	
John C. Sharp	January 1, 1825	Virginia	Cyane.
Benjamin S. Slye	March 1, 1825	District of Columbia	Leave of absence.
N. G. C. Slaughter	March 1, 1825	Kentucky	Constellation.
James F. Schenck	July 1, 1825	Ohio	Hornet.
T.			
William B. G. Taylor	February 13, 1815	North Carolina	Furlough.
Alexander Thompson	October 26, 1815	New York	New York station.
John Leeds Thomas	January 1, 1818	Maryland	Furlough.
Griffen Tompkins	July 11, 1818	New York	Norfolk station.
Elias C. Taylor	January 1, 1819	New Jersey	Waiting orders.
Robert D. Thorburn	March 30, 1820	Virginia	North Carolina 74, Mediterranean.
Charles C. Turner	May 10, 1820	Virginia	Constitution.
Edward G. Tilton	May 1, 1822	Delaware	New York station.
Henry K. Thatcher	March 4, 1823	Maine	United States, Pacific ocean.
Benjamin J. Totten	March 4, 1823	Ohio	Mediterranean squadron.
John W. Turk	March 4, 1823	New York	Constellation.
Peter Turner	March 4, 1823	Rhode Island	Cyane.
Charles A. Thompson	August 27, 1823	Maryland	United States, Pacific ocean.
Bushrod W. Turner	October 21, 1824	Virginia	North Carolina 74, Mediterranean.
Alfred Taylor	January 1, 1825	Virginia	New York station.
Paul H. Trapier	January 1, 1825	South Carolina	Mediterranean squadron.
William D. B. Trotter	January 1, 1825	Kentucky	Constellation.
Henry Tooley	January 1, 1825	Mississippi	West India squadron.
U.			
George P. Upshur	April 23, 1818	Virginia	United States, Pacific ocean.
Richard R. Usher	March 4, 1823	New York	Furlough.
V.			
James K. Vallette	June 1, 1815	Pennsylvania	West India squadron.
G. J. Van Brunt	January 1, 1818	New Jersey	West India squadron.
Alexander Van Dyke	May 10, 1820	Tennessee	Sloop Boston.
H. H. Van Rensselaer	May 10, 1820	New York	Pacific squadron.
Edward M. Vail	December 1, 1821	District of Columbia	Leave of absence.
Pedro Carriera Valdes	June 16, 1823	Chili	United States, Pacific ocean.
W.			
Wm. S. J. Washington	February 5, 1812	Virginia	Receiving ship Alert.
Clement S. Whittington	June 18, 1812	Maryland	Waiting orders.
William G. Woolsey	January 1, 1817	Pennsylvania	New York station.
Dudley Walker	May 8, 1818	Massachusetts	Rendezvous, Charlestown.
John W. West	November 3, 1818	Pennsylvania	Leave of absence.
William C. Whittle	May 10, 1820	Virginia	Hornet.
Hampton Westcott	May 10, 1820	New Jersey	Sloop Erie, Mediterranean.
George J. Willard	May 1, 1822	Ohio	West India squadron.
James M. Watson	February 1, 1823	Virginia	Peacock.
James H. Ward	March 4, 1823	Connecticut	Constitution, Mediterranean.
Gabriel G. Williamson	June 2, 1824	Virginia	North Carolina 74, Mediterranean.
T. M. Washington	October 21, 1824	Maryland	North Carolina 74, Mediterranean.
Charles E. Wadsworth	December 1, 1824	District of Columbia	Shark.
Dudley G. Woodbridge	January 1, 1825	Massachusetts	Sloop Boston.
William J. Wiswall	January 1, 1825	New York	
Thomas S. Wayne	January 1, 1825	Georgia	West India squadron.

Naval register for 1826—MIDSHIPMEN—Continued.

Names.	Date of commission.	Birth place.	Duty.
Edward Worthington	March 1, 1825	Kentucky	Norfolk station.
John T. Wallace	March 1, 1825	Indiana	Constellation.
George B. Wingerd	March 1, 1825	District of Columbia	
John Weems	March 1, 1825	District of Columbia	Grampus.
John Wm. Willis	May 1, 1825	Virginia	Brandywine.
John C. Winans	July 1, 1825	Ohio	Porpoise.
Bezaleel Wells, jr.	July 1, 1825	Ohio	
Alexander W. Wilson	November 22, 1825	Virginia	Porpoise.
William W. Whetcroft		Maryland	New York.
Y.			
Thomas H. Yeatman	May 1, 1822	Ohio	Navy yard, Norfolk.
John Young	March 4, 1823	Pennsylvania	Leave of absence.
Alexander K. Yancey	April 1, 1825	Virginia	Store ship, Decoy.
SAILING MASTERS.			
William Knight	October 2, 1799	Pennsylvania	Navy yard, Philadelphia.
Edward Barry	February 28, 1809	Ireland	Navy yard, Washington.
Jonathan D. Ferris	February 28, 1809	New York	New Orleans.
Lewis B. Page	March 9, 1809	Virginia	Navy yard, Gosport.
Salvadore Catalano	August 9, 1809	Sicily	Navy yard, Washington.
Augustus Ford	March 28, 1810	South Carolina	Sackett's Harbor.
Daniel Jones	May 8, 1812	England	Steam frigate, Fulton.
Biscoe S. Doxey	June 24, 1812	Maryland	Baltimore station.
Abram B. Bloodgood	June 25, 1812	New York	New York station.
Robert Knox	July 20, 1812	Massachusetts	Navy yard, Charlestown.
James B. Potts	July 24, 1812	England	Navy yard, Gosport.
William Vaughan	August 22, 1812	Pennsylvania	Sackett's Harbor.
Marmaduke Dove	August 29, 1812	Maryland	Navy yard, Washington.
Daniel Dobbins	September 16, 1812	Pennsylvania	Waiting orders.
Cornelius Bennett	December 9, 1812	Massachusetts	Newport, Rhode Island.
Charles F. Waldo	March 10, 1813	Massachusetts	Navy yard, Charlestown.
John Clough	July 3, 1813	Massachusetts	Receiving ship, New York.
F. H. Ellison	July 3, 1813	England	Navy yard, Brooklyn, New York.
Francis Mallaby	July 3, 1813	New York	Furlough.
Nathaniel Stoodly	August 14, 1813	New Hampshire	Navy yard, Portsmouth, N. H.
Thomas Rutter	November 9, 1813	Maryland	Furlough.
Joseph Lindsay	March 17, 1814	Massachusetts	Furlough.
William T. Malbone	April 4, 1814	Rhode Island	Receiving ship, Norfolk.
Samuel C. Hixon	April 30, 1814	Massachusetts	Sloop Boston.
D. S. Stellwagen	May 14, 1814	Pennsylvania	Philadelphia.
James Ferguson	May 27, 1814	New York	Cyane.
Robert S. Tatem	July 21, 1814	Pennsylvania	Navy yard, Gosport.
Philip S. Meyer	November 18, 1814	New York	Furlough.
Joseph Williston	November 26, 1814	Massachusetts	Leave of absence.
Richard Dealy	December 6, 1814	Ireland	Furlough.
William Miller	January 28, 1815	Scotland	Philadelphia.
Nahum Warren	February 6, 1815	New Hampshire	Leave of absence.
Henry Worthington	May 2, 1815	Maryland	New York station.
John Carlton	July 4, 1815	Massachusetts	United States, Pacific ocean.
A. Cunningham	November 15, 1815	South Carolina	Norfolk station.
John Robinson	November 27, 1815	Massachusetts	Boston station.
James Tewksbury	December 14, 1824	Massachusetts	Erie, Pennsylvania.
Peter Carson	November 1, 1816	Pennsylvania	North Carolina 74, Mediterranean.
John Quin	November 1, 1816	Pennsylvania	Furlough.
A. W. Macomb	July 25, 1818	New York	Furlough.
S. J. Dusenberry	June 2, 1821	New York	Ohio 74, New York.
N. A. Prentiss	January 22, 1823	Massachusetts	Navy yard, Portsmouth, N. H.
Jacob Mull	August 5, 1825	Maryland	Frigate Constellation,
Sailing masters—43.			
BOATSWAINS.			
Edward Linscott	March 29, 1809	Massachusetts	Navy yard, Gosport.
David Eaton	August 8, 1811	Pennsylvania	Navy yard, Washington.
Thomas R. Smith	November 5, 1814	New York	New York station.
John Woods	July 8, 1815	New Jersey	Navy yard, Philadelphia.
James Banks	July 21, 1817	New York	New York station.
Eli Dill	June 25, 1818		Leave of absence.
James Evans	January 1, 1819	Pennsylvania	United States, Pacific ocean.
William Smith	January 1, 1819	Massachusetts	Corvette Cyane.
Simon Jordan	October 9, 1819	Maine	Navy yard, Brooklyn, New York.
John Smith	December 7, 1819	Maryland	Sloop Ontario.
James Thayer	April 1, 1822	New York	Grampus.
David Wesley	June 8, 1822		John Adams.
John Ball	October 14, 1824		Constitution.
Boatswains—13.			

Naval register for 1826—Continued.

GUNNERS.

Names.	Date of commission.	Birth place.	Duty.
George Marshall	July 15, 1809	Greece	North Carolina 74, Mediterranean.
George Jackson	February 2, 1810	North Carolina	New Orleans.
Stephen Jones	May 6, 1813	New York	Steam frigate, Fulton.
Thomas Barry	July 2, 1814	Pennsylvania	Navy yard, Washington.
James Bogman	December 14, 1815	Rhode Island	Navy yard, Gosport.
John Lord	June 17, 1817	Massachusetts	Constitution.
John Blight	May 3, 1821	New York	Navy yard, Brooklyn.
Samuel Hebberd	January 23, 1822		Erie, Mediterranean.
Walter Cochran	June 8, 1822	Ireland	Hornet.
Thomas Stanley	August 16, 1823	England	West India squadron.
Joseph Andrews	November 24, 1823		Cyane.
Asa Curtis	March 1, 1825		Navy yard, Charleston.
Gunners—12.			

CARPENTERS.

Richard Thomas	January 22, 1814		Constitution.
Zaccheus R. Fuller	April 12, 1815	Massachusetts	Boston station.
John Snider	January 1, 1818	Pennsylvania	John Adams.
Nehemiah Parker	January 27, 1827	Massachusetts	Charlestown navy yard.
William E. Sheffield	April 8, 1820	Connecticut	New York station.
John Justice	December 12, 1820	New Jersey	Erie station.
Samuel Phillips	May 24, 1821	New Jersey	Leave of absence.
Thomas Armstrong	June 17, 1822	Pennsylvania	North Carolina 74, Mediterranean.
John Fisher	March 20, 1823	Virginia	Waiting orders.
Isaac White—acting	November 29, 1825		Frigate Constellation.
Carpenters—10.			

SAILMAKERS.

Charles Cassell	September 27, 1813	Genoa	Navy yard, Washington.
William Baldwin	May 21, 1817	North Carolina	Waiting orders.
Henry Van Voorhees	August 11, 1819		Sloop Peacock, Pacific ocean.
Benj'n B. Burchstead	April 5, 1821	Massachusetts	Waiting orders.
Isaac Hall	April 1, 1822	Maryland	North Carolina 74, Mediterranean.
Nathan S. Angell	June 1, 1822	Connecticut	Navy yard, Gosport.
James R. Childs	June 8, 1822	Maryland	Sloop Hornet.
Nathaniel B. Peed	October 22, 1823	Virginia	Frigate United States.
Amos Lewis	January 3, 1825	Massachusetts	Frigate Constellation.
Sailmakers—9.			

MARINE CORPS.

Names.	Date of— Commission.	Brevet rank.	Birth place.	Station.
Arch'd Henderson, Lt. Col. Com't	October 17, 1820.		Virginia.	Head-quarters.

CAPTAINS.

R. Smith, Lt. Colonel by brevet.	March 13, 1812.	March 3, 1825.	Maryland	Commanding at New York.
R. D. Wainwright, Major by brevet	September 29, 1812.	March 3, 1823.	South Carolina	Commanding at Charlestown.
Wm. Anderson, Major by brevet.	June 18, 1814.	March 3, 1825.	Pennsylvania	Commanding at Norfolk.
Samuel Miller, Major by brevet.	June 18, 1814.	August 24, 1814.	Massachusetts	Commanding at Philadelphia.
John M. Gamble, Major by brevet	June 18, 1814.	April 19, 1816.	New Jersey	Commanding at Portsmouth.
Samuel E. Watson	March 28, 1820.		Virginia	Navy yard, Washington.
William H. Freeman	July 17, 1821.		Connecticut	New York.
Joseph L. Kuhn, Paymaster	June 28, 1823.		Maryland	Head-quarters.
Charles R. Broom	March 7, 1824.		Delaware	North Carolina, Mediterranean.
Captains—9.				

FIRST LIEUTENANTS.

Levi Twiggs, Captain by brevet.	June 18, 1814.	March 3, 1825.	Georgia	Frigate Constellation.
John Harris, Captain by brevet.	June 18, 1814.	March 3, 1825.	Pennsylvania	Charlestown, Massachusetts.
Thomas A. Linton	April 18, 1817.		Virginia	Gosport, Virginia.
Richard T. Auchmuty	April 18, 1817.		Rhode Island	On furlough.
James Edelin	April 18, 1817.		Maryland	Frigate United States.
P. G. Howle, Adjutant and Ins.	April 18, 1817.		Virginia	Head-quarters.
Elijah J. Weed, Quartermaster	March 3, 1819.		Pennsylvania	
Joseph C. Hall	March 3, 1819.		Maryland	
William W. Dulany	June 19, 1819.		District of Columbia	Mediterranean.
Thomas S. English	August 11, 1819.		Massachusetts	Frigate Brandywine.
Thomas B. Barton	October 17, 1820.		Pennsylvania	On recruiting service.
George W. Walker	March 3, 1821.		District of Columbia	New York.

Naval register for 1826—First Lieutenants—Continued.

Names.	Date of—		Birth place.	Station.
	Commission.	Brevet rank.		
Charles Grymes	July 20, 1821.		Virginia	Gosport, Virginia.
George D. Brewerton	September 17, 1821.		New York	Portsmouth.
Ward Marston	October 30, 1821.		Massachusetts	Charlestown.
Charles C. Tupper	January 21, 1822.		Indiana	On furlough.
Augustus A. Nicholson	May 27, 1822.		South Carolina	Sloop Erie.
James M'Cawley	October 6, 1822.		Pennsylvania	Philadelphia.
Benjamin Macomber	April 2, 1823.		Rhode Island	Corvette Cyane.
Abraham N. Brevoort	September 26, 1823.		New York	North Carolina 74.
Samuel S. Coejeman	March 8, 1824.		New Jersey	Sloop Peacock.
Andrew Ross	October 1, 1824.		Louisiana	New York.
William A. Bloodgood	December 1, 1824.		New York	Corvette John Adams.
First Lieutenants—23.				

SECOND LIEUTENANTS.

Names.	Date of commission.	Birth place.	Station.
Richard Douglass*	May 7, 1822.	Pennsylvania	Sloop Hornet.
Job G. Williams	May 7, 1822.	Massachusetts	Philadelphia.
Charles F. Spering	May 7, 1822.	Pennsylvania	Sloop Ontario.
Alvin Edson	May 7, 1822.	Vermont	Charlestown, Massachusetts.
Horatio N. Crabb	May 7, 1822.	Pennsylvania	Navy yard, Washington.
Henry B. Tyler	March 3, 1823.	Virginia	North Carolina 74.
Joseph L. C. Hardy	March 3, 1823.	New York	New York.
George F. Lindsay	April 1, 1823.	Virginia	Portsmouth, New Hampshire.
William A. Randolph	July 30, 1823.	South Carolina	Brandywine.
Landon N. Carter	May 26, 1824.	Virginia	Constellation.
John G. Reynolds	May 26, 1824.	New Jersey	Charlestown, Massachusetts.
Henry W. Fowler	May 26, 1824.	New York	Head-quarters.
William T. Bourne	August 5, 1824.	Massachusetts	Gosport, Virginia.
James D. Burnham	July 1, 1825.	New York	Head-quarters.
Frederick Thomas	July 1, 1825.	Vermont	Head-quarters.
Francis C. Hall	July 5, 1825.	Maryland	Philadelphia.
Constantine Smith	August 27, 1825.	Ireland	Head-quarters.
Second Lieutenants—17.			

NAVY AGENTS.

Names.	When appointed.	Expiration of commission.	Birth place.	Residence.
Enoch G. Parrott	April 21, 1821.	April 23, 1825.	New Hampshire	Portsmouth, New Hampshire.
Amos Binney	January 17, 1812.	February 15, 1825.	Massachusetts	Boston.
Clement S. Hunt	Acting.		Maryland	Newport, Rhode Island.
James K. Paulding	January 8, 1824.	January 8, 1828.	New York	New York.
George Harrison	November 21, 1799.	March 3, 1829.	Pennsylvania	Philadelphia.
James Riddle	July 14, 1812.	March 3, 1829.	Delaware	New Castle, Delaware.
James Beatty	May 7, 1810.	March 3, 1829.	Maryland	Baltimore.
John Randall	March 1, 1810.	March 3, 1829.	Maryland	Annapolis.
Miles King	March 27, 1816.	March 3, 1829.	Virginia	Norfolk, Virginia.
William Sinclair	Acting.		Massachusetts	Charleston, South Carolina.
John P. Henry	March 3, 1819.	March 3, 1829.	Georgia	Savannah, Georgia.
Nathaniel Cox	January 3, 1825.	January 3, 1829.		New Orleans.
Samuel R. Overton	May 26, 1825.			Pensacola.
Michael Hogan			Ireland	Valparaiso.
Richard M'Call			Pennsylvania	Gibraltar.
Baring, Brothers & Co.			England	London.

NAVAL STOREKEEPERS.

Names.	When appointed.	Birth place.	Residence.	Salary.
John P. Decatur	October 21, 1823.	Maryland	Portsmouth, New Hampshire	$1,500
George Bates	December 1, 1818.	Massachusetts	Charlestown, Massachusetts	1,700
Tunis Craven	October 13, 1823.	New Jersey	Brooklyn, New York	1,700
Robert Kennedy		Pennsylvania	Philadelphia	1,200
David Brearley	April 1, 1823.	New Jersey	Washington	1,700
Gabriel Galt	November 14, 1822.	Virginia	Gosport, Virginia	1,700
Samuel T. Anderson	February 10, 1818.	Maryland	New Orleans	1,700

* Entitled to promotion from April 26, 1825.

Naval register for 1826—Continued.

NAVAL CONSTRUCTORS.

Names.	When appointed.	Birth place,	Residence.	Salary.
John Floyd		Massachusetts	Portsmouth, New Hampshire	$2,000
Josiah Barker			Charlestown, Massachusetts	2,000
Samuel Hart			Brooklyn, New York	2,000
Samuel Humphreys			Philadelphia	2,300
William Doughty		Pennsylvania	Washington	2,300
Francis Grice	May 7, 1817		Gosport, Virginia	2,000
Evan Bowles, appointed (May 5, 1821) agent for the preservation of timber in Louisiana, suitable for naval purposes				300

VESSELS OF WAR OF THE UNITED STATES NAVY.

Name.	Rate.	Where built.	Where employed.
SHIPS OF THE LINE.			
Independence	74	Boston	In ordinary at Boston.
Washington	74	Portsmouth, New Hampshire	In ordinary at New York.
Franklin	74	Philadelphia	In ordinary at New York.
Columbus	74	Washington	In ordinary at Boston.
Ohio	74	New York	In ordinary at New York.
North Carolina	74	Philadelphia	Mediterranean.
Delaware	74	Norfolk, Virginia	In ordinary at Norfolk.
Ships of the line—7.			
FRIGATES—FIRST CLASS.			
Constitution	44	Boston	Mediterranean.
United States	44	Philadelphia	Pacific.
Guerriere	44	Philadelphia	In ordinary at Norfolk.
Java	44	Baltimore	In ordinary at Boston.
Potomac	44	Washington	In ordinary at Washington.
Brandywine	44	Washington	Mediterranean.
Frigates—first class—6.			
FRIGATES—SECOND CLASS.			
Congress	36	Portsmouth	Repairing at Washington.
Constellation	36	Baltimore	West Indies, Gulf of Mexico, &c.
Macedonian	36	Captured in 1812	Repairing at Norfolk.
Fulton (steam)	30	New York	
Frigates—second class—4.			
CORVETTES.			
John Adams	24	Charleston, South Carolina	West Indies, &c.
Cyane	24	Captured in 1815	Mediterranean.
Corvettes—2.			
SLOOPS-OF-WAR.			
Hornet	18	Baltimore	West Indies, &c.
Erie	18	Baltimore	Mediterranean.
Ontario	18	Baltimore	Mediterranean.
Peacock	18	New York	Pacific.
Sloops-of-war—4.			
OTHER VESSELS.			
Spark, brig	12		West Indies, &c.
Dolphin, schooner	12	Philadelphia	Pacific.
Grampus, schooner	12	Washington	West Indies.
Porpoise, schooner	12	Portsmouth, New Hampshire	Coast of Labrador.
Shark, schooner	12	Washington	West Indies and coast of Africa.
Fox, schooner	3	Purchased in 1823	West Indies.
Alert, store ship		Captured in 1812	Receiving vessel, Norfolk.
Decoy, store ship	3	Purchased in 1823	Store ship, West India squadron.
Sea Gull, galliot		Purchased in 1823	Receiving vessel, Philadelphia.
Other vessels—9.			

RECAPITULATION.

Rank.	Number in service.	Pay per month.	Rations per day.
Captains	32	$100	8
Captains of a vessel above twenty and under thirty-two guns	.....	75	6
Masters commandant	27	60	5
Lieutenants commanding	.....	50	4
Lieutenants	209	40	3
Surgeons	39	50	2
Pursers	42	40	2
Chaplains	10	40	2
Sailing masters	43	40	2
Surgeons' mates	35	30	2
Schoolmasters	.....	25	2
Captains' clerks	.....	25	1
Boatswains	13	20	2
Gunners	12	20	2
Carpenters	10	20	2
Sailmakers	9	20	2
Masters' mates	.....	20	1
Midshipmen	376	19	1
Boatswains' mates	.....	19	1
Carpenters' mates	.....	19	1
Coxswains	.....	18	1
Quarter gunners	.....	18	1
Quartermasters	.....	18	1
Masters-at-arms	.....	18	1
Armorers	.....	18	1
Stewards	.....	18	1
Coopers	.....	18	1
Cooks	.....	18	1
MARINE CORPS.			
Lieutenant colonel commandant	1	75	6
Captains	9	40	3
First lieutenants	24	30	3
Second lieutenants	16	25	2

Whenever any officer shall be employed in the command of a squadron on separate service, the allowance of rations shall be double during the continuance of such command, and no longer.

The commandant of the marine corps receives, in addition to his pay, eight dollars per month each, for the forage of three horses. The adjutant quartermaster and paymaster, thirty dollars per month extra.

VESSELS OF THE UNITED STATES NAVY.

	In commission.	In ordinary.	Building at—	Ships of the line.	Frigates.	Sloops-of-war.
Ships of the line	1	6	Portsmouth, N. H.	1	1	
Frigates of the first class	3	3	Charlestown, Ms	2	.....	2
Frigates of the second class	1	3	Brooklyn, N. Y.	.....	2	1
Corvettes	2	.....	Philadelphia	1	1	
Sloops-of-war	5	.....	Washington	.....	.....	
Schooners, &c.	7	2	Gosport, Virginia	1	.....	
Total	19	14	.....	5	4	3

NOTE.—The name of Lieut. Wm. Lowe, of Massachusetts, omitted in the register of last year, should appear next to that of Stephen Champlin, among the lieutenants of 9th December, 1814.

19TH CONGRESS.] No. 275. [1ST SESSION.

EXPRESSIVE OF THE SENSE OF CONGRESS OF THE GALLANT CONDUCT OF LIEUTENANT SILAS DUNCAN, OF THE NAVY, IN THE ENGAGEMENT ON LAKE CHAMPLAIN IN 1814.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 18, 1826.

Mr. HOLCOMBE, from the Committee on Naval Affairs, to whom was referred the petition of Silas Duncan, reported:

That they have had the same under consideration, and beg leave to state to the House the following facts:

At the third session of the thirteenth Congress, joint resolutions passed both houses of Congress, and were approved of by the President, "expressive of the sense of Congress of the gallant conduct of Capt. Thomas McDonough, the officers, seamen, and marines, and infantry, serving as marines, on board the United States squadron on Lake Champlain," and presenting to them the thanks of Congress, with a request to the President of the United States that he would cause gold and silver medals to be struck, and presented to the officers mentioned in said resolutions, and a sword to each of the midshipmen and sailing masters who so gallantly distinguished themselves in the memorable conflict of the 11th of September, 1814, on that lake.

The committee would further state, that Lieutenant Duncan was attached to the naval force on Lake Champlain, by an order from the Navy Department, dated in April, 1814, at the time the squadron was fitting out at Vergennes; that, in the first instance, he was attached to the sloop President, commanded by Captain Cassin, and was subsequently ordered to take charge of the Preble, when the squadron commenced dropping down into the lake; that from the Preble he was ordered to the Ticonderoga, of seventeen guns, one of the new vessels commanded by Captain Cassin, and from that vessel to the command of one of the new galleys, with two heavy guns and fifty men; that on the fourth of September, he was directed to join the Saratoga, the flag-ship of Capt. McDonough, as an acting lieutenant, in which situation he remained until he was ordered to superintend the operations of the light vessels of the squadron, under the following circumstances: On the morning of the sixth of September, the British forces, under the command of Governor Provost, were reported to be in the vicinity of the bay, in their advance on Plattsburgh, and the light vessels in question were ordered to take a position off the mouth of Dead creek, for the purpose of attacking the enemy and impeding his progress. In the execution of this design, the enemy was exposed to so destructive and well directed a fire, at short grape and cannister distance, as to be compelled to retreat and change his position. During the course of this gallant action, Lieutenant Duncan, being under the necessity of passing from vessel to vessel, and who thereby drew upon himself the attention of the enemy and his heaviest fire, was severely wounded, having the top of his shoulder carried away by a cannon ball, which shattered and laid bare the shoulder joint, and confined him to the hospital, with little hopes of recovery, for sixteen months afterwards, and thus deprived him of an opportunity of participating in the glorious and decisive engagement which soon followed.

From the above facts, which are fully attested by satisfactory documents, the committee have not hesitated to consider the memorial of Lieutenant Duncan, (praying that the provisions of the joint resolution of Congress, already referred to, be extended to him,) as perfectly just and reasonable—and, moreover, as highly creditable to his feelings as an officer and a gentleman.

The committee therefore recommend the adoption of the resolution.

19TH CONGRESS.] No. 276. [1ST SESSION.

ON THE APPLICATION OF CAPTAIN SAMUEL ANGUS TO BE RESTORED TO HIS RANK IN THE NAVY.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 20, 1826.

Mr. STORRS, from the Committee on Naval Affairs, to whom was referred the memorial of Samuel Angus, late a post captain in the navy of the United States, reported:

That the memorialist was dismissed from the navy by order of the President of the United States, on the first day of June, 1824; he prays that Congress would reinstate him in his original rank, as a captain in the navy. The papers accompanying this report show the causes which rendered it necessary, in the opinion of the Executive Department, from a regard for discipline and sense of public duty, to separate the memorialist from the naval service of the country. The committee are of the opinion that, after this exercise of the power of the Executive, the facts presented by the memorial and documents do not present a proper case for the interposition of the legislative power of Congress.

It is stated in the memorial that the petitioner has been badly wounded in the public service; but the committee have not considered the propriety of recommending to the House, on his behalf, any provision on that account, as the prayer of the memorial is exclusively confined to his restoration to his original rank in the navy. The committee recommend to the House the following resolution:

Resolved, That the petitioner have leave to withdraw his petition.

To the honorable Senate and House of Representatives of the United States of America, in Congress assembled:

GENTLEMEN: This is to respectfully show that your memorialist was discharged (after 24 or 25 years' service) from the navy of the United States, in June, 1824, by the Secretary of the Navy, (see letter No. 1,)

without a trial or sentence of a court-martial. Your memorialist waited on Mr. Monroe, late President of the United States, in February, 1825, and had a conversation with him, in which President Monroe informed your petitioner that the Executive had no hostility to him, and that he would reinstate Captain Angus in his rank as captain of the navy, previous to his leaving his office, and pledged his word of honor to the said Samuel Angus that he should hear from him before he left the presidency, and receive his reinstatement; but, through the great hurry of business on leaving his office, he assured me he had forgot it. In the spring of 1825, I waited on President Adams, stated to him my case, and told him Mr. Monroe's promises. Mr. Adams told me to go to the Navy Office, and see if President Monroe had left any directions respecting me; if he had, to inform Mr. Adams; if not, my best way was to see Col. Monroe, and that his wishes should be President Adams' government. I then went to the Navy Office, the chief clerk of which informed me that Mr. Monroe had left no directions respecting me. I then went to Col. Monroe's farm, in Loudon county, Virginia, and saw Mr. Monroe, who gave me a letter to J. Q. Adams, President of the United States, the purport of which, he informed, was recommending my immediate reinstatement. I waited upon President Adams, and delivered him the letter. Mr. Adams told me the purport was the same as Mr. Monroe had said; said I might return to New York, my place of residence, and I should hear from him in a few days, as the Secretary of the Navy was not then in Washington. The paper No. 2 is his decision. After having spent the best part of my days in the service of my country, been in many engagements, and have been badly wounded, your memorialist requests your honorable body to reinstate him in his original rank as captain of the navy of the United States. And your memorialist, as in duty bound, will ever pray.

SAMUEL ANGUS.

NEW UTRECHT, *L. I., December* 13, 1825.

NAVY DEPARTMENT, *January* 16, 1826.

SIR: In answer to your letter of the 22d ultimo, in which you enclose the paper addressed by Samuel Angus, late a captain in the United States navy, to the Senate and House of Representatives, and "request the information in this Department relative to the causes of his dismission from the service, as a captain in the navy," I have the honor to transmit, herewith, copies of several letters which contain the information asked for.

There are on file several letters and representations asking his restoration to the service; but they are not sent to you, not being embraced within the inquiry which you make relative to the causes of his dismission.

I have the honor to be, &c., SAM'L L. SOUTHARD.

Hon. HENRY R. STORRS, *Chairman Naval Committee, House of Representatives.*

NEW YORK, *November* 12, 1823.

SIR: I wrote you some time since, asking the command of the Philadelphia Navy yard, but have received *no* answer. Would you be pleased to order me to that command, or to the command of the Washington seventy-four, which is now without a post captain.

I remain, sir, your most obedient servant,

SAMUEL ANGUS, *Captain United States Navy.*

Hon. Mr. SOUTHARD.

BROOKLYN, *L. I., New York, September* 4, 1823.

SIR: The Philadelphia station and that at Sackett's Harbor are both vacant. If I should be allowed a choice, I would prefer the Philadelphia Navy yard. If not, would you be pleased to order me to the command on Lake Ontario.

I am, respectfully, sir, your most obedient servant,

SAMUEL ANGUS, *Captain United States Navy.*

To the Hon. SAMUEL L. SOUTHARD.

NEW YORK, *September* 13, 1823.

SIR: Having understood that you are acting Secretary of the Navy, induces me to address these lines to you. I have been some time an applicant for a frigate or a seventy-four, but have not been appointed. Hearing that the Philadelphia station wants a captain, and also that Sackett's Harbor is vacant, induces me to make an application for either of those stations. If I could have a preference, I would prefer Philadelphia; if not, will you order me to the command on Lake Ontario?

I am, sir, respectfully, your obedient servant,

SAMUEL ANGUS.

Com. RODGERS, *Acting Secretary of the Navy.*

NEW YORK, *September* 24, 1823.

SIR: Having understood that you were appointed Secretary of the Navy, I addressed a letter to you at Washington on the 4th September, but have since found you did not take your seat until about the middle of this month, induces me to send you a copy of my letter of the 4th instant, hoping you may comply with my wishes.

I remain, sir, your most obedient servant,

SAMUEL ANGUS.

To the Hon. SAMUEL L. SOUTHARD, *Secretary of the Navy.*

NAVY DEPARTMENT, *November* 15, 1823.

SIR: In reply to your letter of the 12th instant, I have to observe that it is not considered necessary that the Washington seventy-four should at this time have a commander of the rank of captain. No officer will, for a short time, be ordered as commander to the Philadelphia station; and, besides, it may be proper to apprise you that one or more applications for it have been made by captains senior in rank to yourself.

I am, respectfully, &c.,

SAMUEL L. SOUTHARD.

Capt. SAMUEL ANGUS, *United States Navy, New York.*

NEW YORK, *December* 8, 1823.

SIR: I have received your letter of the 15th November, and note its contents. I feel anxious to obtain a command that will entitle me to my full pay, finding by the list that every captain junior and senior to myself are receiving $100 and eight rations, while I am only allowed $75 and six rations per month, for what reason I know not, being ready and willing at all times to serve my country.

I remain, respectfully, sir, your obedient servant,

SAMUEL ANGUS.

Hon. S. L. SOUTHARD.

BROOKLYN, *L. I., April* 13, 1824.

MR. SOUTHARD: I have wrote you several times for the command of a navy yard, or the Washington seventy-four. If you want to know my name, you will see it at the bottom of the letter. My grandfather and father were Scotchmen, and I was born in Philadelphia. I wish you to answer me directly whether you will give me the command without any further palaver; if you don't, I will appeal to your master, the President of the United States, and my superior.

SAMUEL ANGUS.

NAVY DEPARTMENT, *May* 19, 1824.

SIR: I have received the enclosed letter, which purports to have been written by Captain Samuel Angus. The contents are such as to demand an inquiry into the fact whether he wrote it.

You will send for Captain Angus, and, in the presence of one or more officers, show him the letter, and inquire whether he wrote it. His answer you will return to me with the letter, at as early a day as you conveniently can.

I am, respectfully, &c., SAMUEL L. SOUTHARD.

Captain SAMUEL EVANS, *Commanding Naval Officer, New York.*

U. S. NAVY YARD, *New York, May* 24, 1824.

SIR: Agreeably to your instructions of the 19th instant, I sent for Captain Samuel Angus, and this morning showed him the letter you enclosed me, dated Brooklyn, L. I., April 13, 1824, and signed Samuel Angus, and asked him, in the presence of Captain George W. Rodgers, whether he wrote it. His answer was, that he would not admit that he wrote it; that he had written to Mr. Southard, requesting command of a navy yard, or the Washington 74, and received no answer, but that he would not commit himself by admitting that he wrote this letter.

Captain Jones came in about this time, and in his presence Captain A. also said that he would not admit that he wrote the letter. I have the honor to return the letter enclosed to me, and also a letter from Captain George W. Rodgers to you on the subject.

I have the honor to be, very respectfully, SAMUEL EVANS.

Hon. SAMUEL L. SOUTHARD.

NAVY YARD, *New York, May* 24, 1824.

SIR: I was present when Captain Evans, commanding the U. S. Navy yard, New York, showed Captain Angus a letter, dated Brooklyn, Long Island, April 13, 1824, signed Samuel Angus; and on asking him if the letter was written by him, (Samuel Angus,) he replied that he should not say whether it was written by him or not; he would not criminate himself; that he had written to Mr. Southard several times for the command of a navy yard, or the Washington 74, and had received no answer, and will not say that he admits writing the letter dated April 13, 1824.

Respectfully, your obedient servant,

GEORGE W. RODGERS.

Hon. SAMUEL L. SOUTHARD, *Secretary of the Navy, Washington.*

NAVY DEPARTMENT, *June* 1, 1824.

SIR: Your letter to the Secretary of the Navy, dated April 13, 1824, and which was shown to you by Captain Evans, in the presence of Master Commandant Rodgers and Captain Jones, on the 24th May, has been laid before the President of the United States, and I am instructed by him to inform you that a regard for discipline, and a sense of duty to the service in which you are engaged, require that you should be separated from it.

It is believed that the records of the Department furnish no instance of conduct in any officer manifesting so total a forgetfulness of what was due to the Department and to himself. The President has therefore thought proper to dismiss you from the naval service of the United States, and you will from this time consider yourself dismissed, and no longer holding the rank or enjoying the privileges of a captain in the navy.

Respectfully, &c.,

SAMUEL L. SOUTHARD.

SAMUEL ANGUS, Esq., *late Captain U. S. Navy, New York.*

NAVY DEPARTMENT, *April* 27, 1825.

SIR: I enclose, by direction of the President of the United States, a copy of his decision on your case.

I am, very respectfully, &c.,

SAML. L. SOUTHARD.

SAMUEL ANGUS, Esq., *late Captain U. S. Navy, New York.*

WASHINGTON, *April* 25, 1825.

I have considered the memorial of Samuel Angus, late captain in the navy of the United States, dated New York, November 30, 1824, addressed to the President of the United States, and praying to be reinstated in his original rank, or for pecuniary relief; and I have examined the documents and correspondence relating thereto; from all which it appears that the said Samuel Angus was, on the 1st of June, 1824, dismissed from the naval service of the United States, by order of the President of the United States.

Under these circumstances, I consider the legal authority of the President of the United States not competent to reinstate the memorialist in his original rank; but upon evidence, duly authenticated, that he has a just claim to a pension, as having been disabled in the line of duty, that relief should be granted him, to take effect from the time of his dismission.

The Secretary of the Navy will furnish the memorialist with a copy of this decision.

JOHN QUINCY ADAMS.

19TH CONGRESS.] **No. 277.** [1ST SESSION.

ON AN APPLICATION TO MAKE ARMORERS IN THE NAVY WARRANT OFFICERS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 20, 1826.

Mr. HOLCOMBE, from the Committe on Naval Affairs, to whom was referred the memorial and petition of sundry blacksmiths of the city of Washington, praying that armorers in the navy be raised to the rank and grade of warrant officers, and be entitled to the same pay, rations and emoluments as carpenters, gunners and sailmakers in the service, reported:

That they have had the same under consideration, and, in answer to a letter of inquiry addressed to the Navy Department, have been informed that its armorers have the same grade and pay as was established for them in the first organization of the navy, and which have been continued to them to the present time without variation, and that no benefit is perceived which would result to the service from the change suggested.

The committee, therefore, recommend the adoption of the following resolution:

Resolved, That the petitioners have leave to withdraw their petition.

19TH CONGRESS.] No. 278. [1ST SESSION.

ON THE APPLICATION OF CAPTAIN ISAAC PHILLIPS TO BE RESTORED TO HIS RANK IN THE NAVY.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 21, 1826.

Mr. STORRS, from the Committee on Naval Affairs, to whom was referred the memorial of Isaac Phillips, formerly a post captain in the navy of the United States, respectfully reported:

That the memorialist was appointed a captain in the navy on the 3d day of July, 1798, and ordered to the command of the sloop-of-war Baltimore, then employed on the American coast; and, during her cruise, while convoying several American merchantmen to the Havana, she fell in with a British squadron near that port, under the command of Commodore Loring, by whose orders she was boarded by a British lieutenant and a party of men, who mustered her crew and took away a number of her seamen. On the return of the memorialist to the United States, he was, by an order addressed to him by the then Secretary of the Navy Department, on the 10th January 1799, dismissed from the naval service for alleged misconduct on that occasion. He now prays to be restored to his rank of post captain in the navy, and states that his dismission was not sanctioned by the Executive Department, and that the letter of the Secretary of the Navy was written without the authority or knowledge of the President; that the circumstances under which he was placed, when his command of the said sloop-of-war was violated, were such, for the reasons alleged by him, that his dismission was not justified by any misconduct on his part; and that the Executive Department possessed no power to separate him from the naval service without a trial by a court-martial.

The committee are of opinion that it would be wholly unsafe to act upon the suggestion that the order referred to was issued without authority: and that, if the subject of relief to the memorialist was even properly addressed to the legislative power of Congress, yet the lapse of time since this order was issued, his acquiescence until this period, and the consequent injurious, if not unjust disturbance of rank, which might be produced in the naval service, present insuperable objections to any examination of the circumstances which, in the opinion of the President, required that exercise of Executive authority in the case of the memorialist.

The committee, therefore, recommend to the House the following resolution:

Resolved, That the petitioner have leave to withdraw his petition.

MEMORIAL.

To the honorable the Senate and House of Representatives of the Congress of the United States:

The memorial of Isaac Phillips respectfully represents: That your memorialist was appointed a captain in the United States navy on the 3d of July, 1798, and ordered to the command of the ship-of-war Baltimore, with instructions to repair to Hampton Roads and place himself under the command of Captain Thomas Truxton.

Your memorialist further states: That, at the time he left Baltimore, for Hampton Roads, in pursuance with his instructions, he had not received his commission, but was assured that it should be sent after him there; but, after delaying his sailing as long as it was practicable, to receive it, Captain Truxton, who had been apprised of his situation, represented to your memorialist that his commission would protect both ships, and by avoiding a separation, no danger was to be apprehended; and being informed of the perilous situation of a fleet of merchantmen, which, in company with Captain Truxton, they were to take under convoy from Havana to the United States, your memorialist was necessarily, though reluctantly, compelled to sail without his commission. During his cruise off Charleston, when your memorialist was ordered by Captain Truxton, he fell in with the frigate Constitution, under the command of Captain Nicholson, who ordered your memorialist to accompany him, to convoy a fleet of merchant vessels from Charleston to Havana; but owing to an accident which befel the Constitution, Captain Nicholson bore away for the United States, and left your memorialist in this unprecedented situation of being in command of a national ship without a commission, or any other sufficient document to prove his character to convoy a valuable fleet of merchant vessels to a foreign port. Thus situated, had your memorialist been actuated by any other feelings than a devotion to the interests of the service in which he was engaged, he would have left the fleet to its fate, and have returned to Hampton Roads in obedience to the orders of Captain Truxton. But a sense of duty prevailed over a more safe and cautious conduct, and he continued with the fleet to its destination, and afforded it all the aid his limited force would permit.

Your memorialist further states: That, when near the port of Havana, he fell in with a British squadron, under the command of Commodore Loring, and that, owing to a transaction which there happened, for which your memorialist was not answerable, after his return to the United States he was unceremoniously dismissed from the navy service, and, as your memorialist conceives, unjustly, illegally, and without competent authority; the particulars of which, with the evidence, are fully detailed in a printed document herewith submitted, and to which, for further and more particular information, he begs leave to refer, as occasion may require.

Your memorialist further states: That, until he was dismissed from the service, he was not aware that any cause of complaint existed against him in relation to any part of his conduct; and that, immediately upon the receipt of his letter of dismission, he applied, through the Secretary of the Navy, to the President for a court-martial, which, in the name of the President, was peremptorily refused him.

Your memorialist further states: That, at the time of his dismissal, he had no reason to suspect but that he was dismissed by the order of the President, in the due exercise of his authority, as was at that time alleged, in answer to the demand of your memorialist for a trial; and he was, therefore, led to sup-

pose he had no redress for the injustice that had been done him, unless it was to appeal to the public, which, however it might have gratified his feelings, would not have redressed his wrongs. In this situation your memorialist remained until about five years since, when accident made him acquainted with the facts that are detailed in the printed document before mentioned, and since which time he has been diligently engaged in collecting such evidence, relating to his case, as could be obtained, in order to lay the same before the government, and to claim a restoration to his rank, or such other redress as the laws and usages of the country might allow him.

Your memorialist further states: That no more time has elapsed, since he was made acquainted with the facts herewith disclosed, than has been absolutely necessary to collect the testimony upon which his claim rests; and that, as soon as it was practicable, he applied to the President, through the Secretary of the Navy, to be restored to his rank; but the President has decided that he had not legal authority to grant such application.

Your memorialist further represents and contends: That he committed no act, while in the service, that ought, by the laws and usages of the United States, to subject him to punishment, or even censure; and that he was dismissed from the service without legal and competent authority, in violation of the law and Constitution, without the benefit of a trial by a court-martial, and even without the authority or consent of the President of the United States.

Your memorialist, therefore, prays your honorable body to take his case into consideration, and to cause him to be restored to his rank in the navy of the United States, and to grant him such other and further relief as justice demands.

Respectfully, ISAAC PHILLIPS.

19TH CONGRESS.] No. 279. [1ST SESSION.

EXAMINATION OF THE HARBORS OF CHARLESTON, SOUTH CAROLINA, AND ST. MARY'S, GEORGIA, WITH THE VIEW OF ESTABLISHING A NAVY YARD.

COMMUNICATED TO THE SENATE JANUARY 23, 1826.

A.

NAVY DEPARTMENT, *January* 19, 1826.

SIR: In answer to a resolution of the Senate of the 17th instant, that the Secretary of the Navy "be directed to communicate to this House the report of the officers employed under the act 'authorizing an examination of the harbor of Charleston, in South Carolina, and St. Mary's, in Georgia, for the purpose of ascertaining the expediency of establishing a navy yard at either of those places,' together with such charts, surveys or documents, connected with the subject, as may be in his possession," I have the honor to send a copy of the report made by Master Commandant Kearney, with the papers which accompanied it; also sundry original papers on the subject, submitted to the Department by the Hon. R. Y. Hayne.

I am, very respectfully, &c.,

SAMUEL L. SOUTHARD.

To the PRESIDENT *of the Senate of the United States.*

B.

NEW YORK, *December* 16, 1825.

SIR: I have the honor herewith to enclose my report in relation to the survey and examination of Charleston and St. Mary's bar, being in compliance with orders from you, appointing me superintendent of that service.

I am, respectfully, your obedient servant,

LAWRENCE KEARNY, *Master Commandant U. S. Navy.*

Hon. SAMUEL L. SOUTHARD, *Secretary of the Navy.*

C.

Report to accompany a chart of Charleston bar, in South Carolina, surveyed by order of the honorable Samuel L. Southard, Secretary of the Navy.

The following are the points upon which information is required, and to which replies are herewith furnished, viz:

1. Depth of water upon the bar at the lowest and highest spring tides, and at common tides.
2. Whether the depth of water upon the bar is affected by any, and what winds, to what extent, and in what manner.
3. The strength of the current upon the bar, and to a safe anchorage within it.
4. Width of the channel upon the bar, width of the bar, and nature of the bottom; with what winds large vessels can cross the bar, bound inwards and outwards.

5. The prevailing winds at different seasons of the year.
6. The extent of safe anchorage for vessels of the largest size which can cross the bar.
7. The convenience of such anchorage for receiving supplies from the shore.
8. Facilities for obtaining good fresh water.
9. What supplies of stores and provisions can be obtained for a fleet, from the surrounding country, and to what extent at short notice.
10. Whether the harbor has good positions for a dock or navy yard.
11. How near the present shore of such position does a channel run of the same depth as the water on the bar, at high spring tides.
12. Has it good fresh water in its vicinity, and in what quantities.
13. General health of the position and quality of the soil.
14. Facilities of wharfing to the channel.
15. Whether the worm is destructive in the harbor.

Answer to question first. The depth of water on Charleston bar, at the lowest spring tides, is eleven feet at low water, and at the highest spring tides, nineteen and a half to twenty feet, high water. At common tides, at low water, there is a depth of twelve feet, and at high water, sixteen and a half to seventeen feet. A medium tide may be fairly considered to afford a depth, at low water, of twelve feet, and at high water, seventeen feet.

Paper marked No. 1, attached hereto, will afford information on this subject from experienced pilots of this harbor.

Answer to question second. The depth of water on Charleston bar is much affected by winds. Those from northeast and southeast cause it to flow from one to two feet over its ordinary depth, and those from the northwest and southwest decrease it in the extent according to the force and duration of them.

Paper marked No. 1 also affords information on the subject.

Answer to question third. The strength of current on the bar is irregular, being governed in a great degree by the winds; uninfluenced by wind, its velocity at half tide is two miles per hour, and to a safe anchorage within the bar; about two and a half when in the channel way.

Answer to question fourth. The width of the channel on the bar is 300 yards. The width of the bar is three-quarters of a mile. The bottom is hard gray sand. The best winds to cross the bar, bound inwards, are those from northeast to southeast. The best winds, bound outwards, are those from northwest to southwest.

Answer to question fifth. The prevailing winds in winter are from the northwest to northeast, and in summer from southeast to southwest.

Answer to question sixth. The first anchorage is in the Drop, or Four Fathom Hole, the light-house bearing from west to west-by-north about one mile and three-quarters distance, and is about half a mile square in extent. This anchorage is open to the winds from the northeast and southeast, but owing to the shoal of the bar, the sea is not very heavy. The holding ground is good. Rebellion Roads, off Sullivan's Island, is a commodious and safe anchorage, half a mile in extent one way, and one and a half the other, and good holding ground, susceptible of being well protected by batteries.

Answer to question seventh. From the upper part of Rebellion Roads to the city is three miles, and the facilities of obtaining supplies from the shore easy.

Answer to question eighth. Good fresh water can be obtained from a number of tanks, which are employed in the harbor. They will either supply good spring or cistern water, as may be wished, delivered on board anywhere within the bar.

Answer to question ninth. The surrounding country affords but few articles for the supply of a fleet in the way of provisions; rice may be considered the only article for an immediate extensive demand; other articles in small quantities can be obtained in the city to supply the wants of single ships; naval stores, of various kinds, can be obtained conveniently.

Paper marked No. 2, affords information on this subject.

Answer to questions ten, eleven, twelve, thirteen, fourteen. Several positions present themselves for a dock or navy yard, viz: Shute's Folly, a small island of marsh in front of the city; 2d, Lamprie's Point, mouth of Wando river; 3d, Strobel's mill-seat on Cumming's Point, on the Ashley river; 4th, the old Navy yard, about four miles from town, now Cochran's farm; 5th, Hampsted, mouth of Town creek; 6th, Marsh's Island, mouth of Town creek; 7th, a lot of land above Gadsden's wharf, on Cooper river; 8th, Mey's wharf, within the limits of the city; 9th, Marsh's wharf, also within the limits of the city. A description of the above places is given in papers No. 3 and 4, and No. 5 describes the health of each, except the two last-mentioned places, Mey's and Marsh's wharves, and the lot of land above Gadsden's wharf, all of which are as perfectly healthy as any part of the city. Some of the above positions being subject to country fever, although advantageously situated for the establishment of a navy yard, are, consequently, not recommended.

Shute's Folly.—The island of marsh in front of the city, at the mouth of Cooper river, is conveniently situated; great expense, however, must be laid out, in raising, on this low alluvial foundation, a sufficient height to build on, free from the effect of tides, the highest of which flows entirely over the island. It will, therefore, be necessary to raise it four feet higher than its present greatest elevation. The channel of Cooper's river washes the western side of this site; and in some places an equal depth with that on the bar, at high spring tides, is found within thirty feet of low water mark. A basin could be easily formed in this island, for the security and preservation of timber; and the mud removed in making the basin will contribute to filling in and raising the foundation for the establishment. Fresh water must be collected in cisterns, or supplied from tanks, which supply the shipping generally. It is said to be healthy. Wharfing to the channel is easy.

2d. *Lamprier's Point,* at the mouth of Wando river, is reported unhealthy, as is specified in paper No. 5; but otherwise possesses great advantages. Distance to the edge of the channel, or eighteen feet water, is one hundred and seventy-three yards.

3d. *Strobel's mill-seat,* on Ashley river, possesses advantages in point of situation as a harbor, beyond others mentioned; but wharfing, out of the channel, is a great objection to it, the distance being four hundred and sixty yards, to reach the depth of water required, and the mud-flat is soft, making it doubtful whether a foundation could be made sufficiently permanent for building upon it a necessary distance from the shore. The health of this place, as by annexed report, seems doubtful.

4th. *The old Navy yard* is, undoubtedly, subject to the ague and fever, and is not therefore recommended.

5th. Extremity of the lines at Hampstead, mouth of *Town creek*. This place has health and good water, but is difficult of wharfing out of the channel, the distance being greater than at Strobel's mill. It likewise lies open to the southeast gales.

6th. *Island of Marsh*, at the mouth of Town creek. This island is conveniently situated, being contiguous to the upper part of the city, out of the way of shipping in the river. It is healthy, with bold water on the side next to Town creek. What may be said of the advantages of Shute's Folly, applies to this place, being equally low. It is easily defended, being near the northeast end of the lines of the city. This place is open to the sea breeze, and is believed to be healthy. Town creek is bold along this island, and affording a good anchorage in six and seven fathoms water for a squadron. Good fresh water is procured in the vicinity.

7. *A lot of land* above Gadsden's wharf. This is an extensive mud-flat, and requires wharfing out, in the same manner as at Strobel's mills, before mentioned. It is healthy and in the vicinity of good water.

8. *May's wharf*, at the foot of Pinckney street. This wharf was used during the late war, for the navy; it is healthy and convenient, and for building a sloop-of-war, or one or two small vessels, is sufficiently capacious. A description of it is given in paper No. 4; for immediate purposes this wharf has much to recommend it. Possessing good brick stores, and giving sufficient room for fitting out any number of vessels which it is probable may put in that harbor at any one time.

9. *Marsh's wharf*. This wharf is also very convenient, and it is believed to have the best foundation of any in the city, having formerly being the property of General Gadsden. Much expense and labor have been bestowed on it, to make the foundation firm and good, before it became the property of Mr. Marsh. It is well situated as regards health and convenience.

Paper marked No. 4 refers to it.

These are all the sites which have either presented themselves, in my examination, or have been recommended by others. In reply to the 15th question, whether the worm is destructive in the harbor, &c., &c., it may be said they are, but not more so than in other harbors on the coast.

To preserve health, to afford convenience for either fitting or building vessels, and to lessen the expense of a naval establishment in the harbor of Charleston, the two sites marked Nos. 8 and 9 are recommended, viz: May's and Marsh's wharves.

An establishment at either of the sites in the city, will afford both convenience for furnishing supplies, and also some security, which, under the peculiar situation of the country, at certain seasons of the year, is a paramount advantage.

In respect to the sites for a naval establishment, and other matters in relation to the harbor of Charleston, I have annexed hereto letters from gentlemen, who have very politely afforded me information, the result of their long acquaintance with the country; and I beg leave, respectfully, to submit to your inspection, as embracing, perhaps, fuller information than the time of my examination permitted me to acquire, the annexed letters and reports from Thomas Bennett, Esq., chairman of a committee of citizens, convened for the purpose of forwarding the views of establishing a Navy yard; also a joint letter from Dr. Joseph Johnson, president United States Branch Bank, and Mr. John Stoney, and Mr. John Robertson, merchants, the latter Navy agent for a number of years. As to the health of the places named, I beg leave to refer you to Dr. Logan's report, paper No. 5, who is an old practitioner, and now naval hospital surgeon; which report is corroborated by other respectable physicians of that place, with whom I have conversed.

In submitting these documents, in relation to the survey of Charleston bar, I beg to offer the following general observations, as to the fitness of the port for a rendezvous for our light cruisers in the West Indies, and seas contiguous.

The result of my examination of that place, from January to July, 1825, herewith furnished, exhibits difficulties which preclude a recommendation of the place for a naval establishment of much extent; but, for a limited one, commensurate with the depth of the channel over the bar, the importance of its location, in regard to its proximity to the West Indies, and the great facilities it affords cruisers in that quarter, as a rendezvous in the winter season, being considered, it presents many advantages claiming attention.

Charleston lies nearer the range of our West India trade than any other port south of the Chesapeake, capable of affording equal protection in war, aad repairs or supplies in case of distress. The Gulf stream facilitates your passage, and carries you within a few hours' sail of the port.

Cruisers returning for supplies will afford protection to convoys, as far as danger from pirates is apprehended.

Sailing again from Charleston, you can avail yourself of the variable winds that prevail, as far south as the Bahamas; by keeping to the eastward, as much as is necessary to gain the longitude of the passages into the West Indies, a short passage can be made; and it is practically known that a vessel can reach her cruising ground, about east end of Cuba or islands further to windward, in less time from that port than any part of the Floridas, or ports in the Bay of Mexico, which lie west, directly to leeward. Sailing up the south side of Cuba is found very tedious, and almost impracticable for small vessels, during the seasons the trade winds blow hard. The Gulf passage is preferred, and it will therefore be evident that a vessel must take a very circuitous route to gain the windward islands from these places; *from Charleston her course is direct.* This is a matter of great consequence to our small class of vessels, which have not the capacity to take on board large supplies of stores, and it is therefore desirable they should lose as little time as possible in going and returning to their stations.

Charleston bar admits vessels of the rate of eighteen guns, and the depth of water, on an average, may be fairly estimated at twelve feet at low water, and sixteen and a half feet at high water to seventeen feet; common tides, and at ordinary spring tides, eighteen feet; high spring tides, twenty feet. A mean of the tides will, therefore, give seventeen feet at high water. Sloops-of-war can, by means in their power of altering their trim, frequently get into Charleston with safety.

The greatest difficulty occurs in getting again to sea, as a free wind is necessary, which lowers the tide on the bar, as may be seen by referring to the report of the pilots, herewith furnished.

This difficulty is, however, somewhat obviated by the use of steamboats, which frequently tow vessels out of that harbor with great ease and safety, in calms or head winds.

Charleston bar, being composed of sand, and acted upon by gales and strong currents, is ascertained

to change, in the course of time, the position of the channels; therefore, they may be found to disagree with the chart in a few years. In consideration of this change, it is suggested that, instead of the present beacon, a movable beacon be placed in front of the light-house, to be so shifted, from time to time, as to obviate the difficulty which arises in having the two objects out of range, as they now are, much to the inconvenience and danger of strangers to the coast who may attempt, without a pilot, to go in.

Suitable fortifications on Sullivan's Island and Fort Johnson reef, near Pelican bank, aided by one steam frigate, would render Charleston as secure as any point on our coast.

Directions for entering the port of Charleston.

Bring the light-house to bear northwest by west, and stand for it until you see the *buoys* on the bar, three in number; the outside, or southernmost buoy on the south breakers, leave to the left hand, or southward of you, about a cable's length distant; the other two buoys, on the north breakers, leave on your right hand, or to the northward of you, about half a cable's length.

After crossing the bar, bound up, steer north three-fourths west along the north breakers, which will carry you up to Sullivan's Island.

These directions will answer for vessels drawing twelve feet and under, but, over that draft, the bar should not be attempted without a pilot.

The latitude of the southeast angle of Fort Moultrie, on Sullivan's Island, is 32 degrees 46 seconds 27 minutes north, longitude not ascertained.

LAWRENCE KEARNY, *Master Commandant United States Navy.*

In obedience to your order of the 18th of April last, requiring an examination of St. Mary's bar, I have the honor to report: That upon a strict and careful set of soundings, taken in July and August, the general depth of water on St. Mary's bar, at low tide, was twelve feet six inches; that the depth is somewhat greater than at the time it was surveyed by Lieut. Ramage, a copy of whose report is herewith transmitted.

The difference, I conceive, arises from the effect of the prevailing winds, at the periods at which the soundings were taken; the one being in the middle of winter when the prevailing winds are blowing from the land, and the other in the summer, when they generally blow on shore.

The average depth of St. Mary's bar may be estimated at twelve feet, the same as at Charleston, taking the season through.

The following distances were actually measured at low water, viz: From thirteen feet within the bar to thirteen feet without, measured one hundred and fifty yards.

The distance from the north to the south shoals, measured three hundred yards.

The sands on the bar are much the same as on Charleston bar, subject to shift by the effect of heavy gales; but how far they have been affected since the survey of Lieut. Ramage is not clearly ascertained, as the chart of that period was not fully completed at that point, in consequence of the inclemency of the weather not permitting the taking of a sufficient number of lines of soundings, to delineate every part and feature of the bar.

Additional lines of soundings have been added, but, as before mentioned, the difference of the season of the year may produce some variance in the depth, with those before taken.

The rise and fall of tide at this bar, as well as at Charleston bar, may, upon an average, be estimated at six feet.

The directions for entering this bar, and for anchoring in the harbor, &c., in the report of Lieut. Ramage, are found to be strictly correct.

A considerable enlargement of the sandy shoals, forming the northeast side of the harbor, has taken place since the survey of Lieut. Ramage, which may eventually have a tendency to confine the water in such a narrow passage as to wash away and make a deeper channel over the main bar.

The harbors within the bar, called Cumberland and Amelia, are safe and commodious.

The convenience of this port, as a naval rendezvous for West India cruisers, is about the same as Charleston, in regard to the facilities of reaching it in the winter season.

The difficulty which arises in proceeding to a further distance north, to arrive at Charleston, is equalled by the difficulty of proceeding to a greater distance west, to arrive at St. Mary's, during the continuance of the westwardly gales, which frequently blow in the winter season very heavy from the coast.

LAWRENCE KEARNY, *Master Commandant United States Navy.*

D.

NEW YORK, *December* 31, 1825.

SIR: I have the honor to inform you that acting Lieutenant Jonathan W. Sherburne has so far completed the chart of Charleston bar as to present it as a reference, connected with my report I had the honor to send in on the 16th inst.

It has been determined since my report, (by calculating upon the survey of St. Mary's bar, in 1822 and in 1825,) that the shoal at the north side of the channel advances to the southward, as at Charleston bar.

I am, respectfully, your obedient servant, LAWRENCE KEARNY.

Hon. SAMUEL L. SOUTHARD, *Secretary of the Navy.*

E.

Extract from the report on the survey of the coast of Florida, made by James Ramage, United States navy.

These observations commenced at St. Mary's river, dividing Georgia from Florida, and continue with the line of the seacoast until they terminate at the Tortugas Islands.

Cumberland harbor, which lies at the entrance of St. Mary's river, is bounded on the north by Cumberland Island, on the south by Amelia and Tyger Islands, on the west by Georgia and the river St. Mary's, and on the east by a line of shoals, extending from the point of Cumberland Island in a southern direction, about five and a half miles, to the bar. It is spacious and perfectly secure, having good anchorage and a sufficient depth of water. The entrance over the bar is narrow, but not difficult, as is also the channel formed by the above line of shoals, and those extending from the shore to Amelia Island.

Connected with the Cumberland harbor is a smaller one, formed by Amelia and Tiger Islands, having sufficient depth of water for any vessels that can cross the bar, and affording the most perfect shelter from all winds.

The greatest depth of water found on the bar at St. Mary's, during three months' observation, was eighteen and a half feet; the least, eleven feet; but the ordinary rise and fall, when not acted on by tempestuous weather, or other causes, may fairly be estimated at seventeen and a half for high water, and eleven and a half for low, and generally about fifteen feet at half tide.

Directions for crossing St. Mary's bar, and sailing into Cumberland and Amelia harbors.

Bring the light-house on Cumberland Island to bear northwest one-half west and steer directly for it; the soundings will gradually shoal, from seven fathoms to five, then very close to the bar; continue the above course, which will cross the bar in mid-channel, between the north and south breakers. When over the bar, where a boat buoy is now placed, immediately steer northwest by north one-half north by compass, to clear a shoal, called the Middles, about two and a half miles distant, and extending from the shore of Amelia Island to within a short distance of the eastern side of the channel. There is a buoy on the spit of this shoal, which must be left on the larboard hand. The channel between the bar, on this buoy, is very narrow, and the deepest water close to the breakers on the east side; the soundings in the middle are from seventeen to twenty-three feet, at low water, deepening nearer to the breakers, and decreasing towards the shore. After passing the bank of the Middle, steer northwest by north one-half west for the north end of Amelia Island; the channel becomes wider, and the water gradually deeper. When up with the point of Amelia, if bound to Cumberland harbor, steer northwest by west until the light-house bears northeast distant from Cumberland Island one mile; then anchor in five fathoms mud and sand, with good holding ground. If bound to Amelia harbor, keep Amelia Point close on board, to avoid an extensive shoal which makes off from Tyger Island; and, by the lead, continue to steer along the shore of Amelia until up with the town of Fernandina; then anchor in mid-channel in six and a half fathoms water, and excellent holding ground. If bound to the town of St. Mary's from Cumberland harbor, from which the entrance to the river is plainly discoverable, steer for it, avoiding a spit which extends from the lower point of Jolly river, and enter the river St. Mary's about mid-channel; continue thus to ascend it until near the town, when, to avoid an extensive shoal making from the larboard shore, two-thirds across, it is necessary to keep close to the marsh on the starboard side. A vessel drawing eighteen feet water can navigate the river St. Mary's as high as the town.

There is a small channel of entrance to Cumberland harbor, called the Swash channel, in which there is from five to seven feet, at low water; it runs near to Cumberland Island, but so frequently varies in its direction and depth, from the effects of winds, that it should never be attempted but in extreme cases.

The latitude of the light-house on Cumberland Island is thirty degrees forty-five minutes forty-seven seconds, north. The longitude could not be accurately determined for want of time keepers. The observed variation of the magnetic needle, was six seconds fifty-eight hundredths, east; the daily variation, twenty-five seconds.

The tides at St. Mary's, when not acted on by temporary and local causes, are very regular. It is high water on the bar, on the full and change of the moon, at seven minutes forty seconds; in Cumberland harbor, at eight minutes forty-five seconds, and the average rise and fall is estimated to be six and a half feet.

The east and northeast winds, being those which mostly prevail in the winter months, and sometimes blow with great violence, create the highest tides, by forcing a large column of water upon the coast. The winds from northwest have a contrary effect; but, although they sometimes blow with violence, they do not last long, generally shifting to the northeast and east. During the spring and summer months the land and sea breezes prevail, occasionally interrupted by an easterly gale which lasts four or five days.

Remarks relative to the defence of St. Mary's.

When it is considered that St. Mary's is the only safe harbor, possessing the greatest depth of water at its entrance, on the eastern frontier of the United States south of the Chesapeake Bay, it becomes an important point on the line of maritime defences: and, whether we consider it as affording protection to our military and commercial marine in time of war, or security to the southern section of our country, the results are manifestly in favor of its being well defended. As an exterior line of defence, having these objects in view, a fort, constructed on the south point of Cumberland Island, and another opposite, on the north point of Amelia, would be the most favorable positions, the distance between them being 4,807 yards; therefore both would completely command the channel, through which all vessels must pass to reach Cumberland harbor.

A small steam battery would be a most efficient auxiliary force, if constructed to navigate the extensive line of inland navigation, to which it would not only afford protection, but, in case the works of St. Mary's were threatened by a large force, it would prevent the enemy from crossing the bar with his heavy vessels, which might be effected by lightening them of their armament, and afterwards receiving it on board when over the bar, a measure which the forts alone could not prevent.

It is very much to be regretted that the lighthouse on Cumberland Island has been located there; it now serves only as a *light*, but had it been placed in the proper position, on Amelia Island, it would have answered the double purpose of a light and beacon, to direct the mariner in his course across the bar. Under existing circumstances, a beacon, erected on Amelia Island, would be very serviceable in sailing to and over the bar, inside of which a boat buoy is now placed; but as it is liable to be occasionally removed, either by gales of wind, or for repairs, the necessity of a beacon is very apparent.

The climate of St. Mary's is nearly similar to that of the whole of Florida, almost continual spring. The mean temperature in the month of December was 60.54 of Fahrenheit's thermometer; in January 53.49; and in February, 49.48. The greatest thermometrical elevation during the above period was 78.76, and the lowest depression 21.40. The range of the thermometer during the summer months is from 82 to 87, and the mean annual heat may be estimated at 72.

The soil in the vicinity of St. Mary's river, near to the sea, is chiefly sandy. Large tracts of alluvion, or marsh, border on the rivers; but as no attempts have hitherto been made to reclaim them, it is problematical whether they are capable of being rendered arable. The sand hills, or, as they are called, hammock lands, produce the long staple cotton, of a good quality, which is at present the principal article of agriculture. Some attempts have been made to raise the sugar cane on the banks of the river, which so far succeeded as to produce the *cane*, but I am not informed that sugar was produced from it.

The district of St. Mary's furnishes abundant supplies of the finest kinds of timber, namely, live oak, hickory, pine, cypress, ash, maple, and locust. The general face of the country presents a sterile and barren appearance, apparently incapable of ever supporting a dense population, without forced upon it from causes having their origin in its geographical and political position.

The river St. Mary's is remarkably destitute of finny inhabitants. It has its source (according to a recent survey made by order of the State of Georgia) in the Okefinoka swamp, from whence it pursues a meandering course four hundred and twenty miles, until it empties itself into the sea between Cumberland and Amelia Islands. It is navigable for vessels of one hundred and fifty tons sixty miles from its entrance.

Should the works I have already proposed be erected for the defence of St. Mary's, a great security would be afforded, in time of war, to the State of Georgia and Territory of Florida, a safe retreat to our public and private armed vessels engaged in the West India seas, and an important line of inland navigation protected, extending from the river St. John's in Florida, to Charleston in South Carolina, a distance of nearly two hundred miles.

No. 1.

Replies of Michael Dulaney, a branch pilot, to questions in relation to Charleston bar.

CHARESTON SHIP BAR.

Question. What is the depth of water at high tide, at the lowest spring tide, on an average, in moderate weather?

Answer. Eighteen feet, at high water.

Ques. And what at the highest springs?

Ans. From twenty to twenty-one feet, but have known twenty-two feet at high water.

Ques. What depth at low water, common tides (average)?

Ans. From twelve to twelve and a half feet at low water.

Ques. What at high water, common tides—say, at an average, and moderate weather?

Ans. From sixteen and a half to seventeen and a half feet at high tide.

Ques. What difference in the depth of water on a bar is made by a stiff breeze from the eastward?

Ans. From one and a half to two feet, if the wind has been blowing twenty-four or thirty hours.

Ques. What difference is there with a stiff breeze off shore, say from the northward and westward?

Ans. The wind from north to northwest does not materially affect the tide, but from south-southwest to north-northwest would lessen the tides from two to three feet.

Ques. What are the rise and fall of common tides, moderate weather?

Ans. Six feet.

Ques. What are the rise and fall of spring tides, moderate weather?

Ans. From seven to eight feet, and sometimes eight and a half feet.

Ques. What are the best winds to cross the bar, with a heavy draft of water?

Ans. The winds from north to south-southeast would be best to go into port, and to go out, from north round by the west to south, are the best.

Ques. What winds affect the flowing of the tides to the greatest advantage?

Ans. From northeast to southeast.

Ques. With what draft of water can you prudently attempt to cross the bar, at common tides, and at what time of the tide would you enter the bar?

Ans. From sixteen and a half to seventeen feet at smooth water, high tide; either going in or out, one hour before high water.

Ques. With what draft would you attempt it at spring tides; and what is the greatest draft you would venture in with under the most favorable circumstances of winds and tides?

Ans. At spring tides and smooth water would attempt to bring in seventeen and a half or eighteen feet.

Ques. What is the greatest draft of water you can carry out with convenience and safety, upon an average tide, say between the neaps and springs?

Ans. From fifteen and a half to sixteen and a half feet, with the greatest safety, when the sea is smooth.

MICHAEL DULANEY, *a Branch Pilot for the Bar and Harbor of Charleston.*

Replies made by John Mullings, a branch pilot, to questions in relation to Charleston bar.

CHARLESTON SHIP BAR.

First question. What is the depth of water at high tide, and lowest spring tides (on an average) in moderate weather?

Answer. Seventeen feet and a half.

Second question. And what at the highest springs?

Ans. From nineteen to twenty feet.

Third question. What depth at low water common tides (average).

Ans. Twelve feet.

Fourth question. What at high water, common tides, say on an average, and moderate weather?

Ans. Eighteen feet.

Fifth question. What difference in the depth of water on the bar is made by a stiff breeze from the eastward?

Ans. From a foot and a half to two feet.

Sixth question. What difference is there with a stiff breeze off shore, say from the northward and westward?

Ans. The north wind lowers the tide none; the west wind from one to two feet, according to the strength of the breeze.

Seventh question. What are the rise and fall of common tides, moderate weather?

Ans. Six feet water.

Eighth question. What are the rise and fall of spring tides, moderate weather?

Ans. From seven to eight feet.

Ninth question. What are the best winds to cross the bar, with a heavy draft of water?

Ans. From northeast to southeast.

Tenth question. What winds affect the flowing of the tides to the greatest advantage?

Ans. From north to east.

Eleventh question. With what draft of water can you prudently attempt to cross the bar at common tides, and at what time of the tide would you enter the bar?

Ans. Seven teen feet, at five hours flood.

Twelfth question. With what draft would you attempt it at spring tides, and what is the greatest draft you would venture in with under the most favorable circumstances of winds and tides?

Ans. Eighteen feet.

Thirteenth question. What is the greatest draft of water you can carry out with convenience and safety upon an average tide, say between the neaps and springs?

Ans. Sixteen and a half feet.

JOHN MULLINGS, *Branch Pilot for the Bar and Harbor of Charleston.*

No. 2.

Report of John Robertson, Esq., late Navy agent at Charleston.

PORT OF CHARLESTON, SOUTH CAROLINA.

Question first. The depth of water upon Charleston bar, at the lowest and the highest spring tides, and at common tides?

Answer. The lowest tides are from June to August; spring tides, the highest, are in April, May, September and October; common tides from November to March. Water on the bar, lowest 17 feet; highest spring tides, 21 feet; common tides, 18 feet.

Question second. Whether the depth of water upon the bar is affected by any, and what winds? to what extent, and in what manner?

Ans. The tides are affected by southerly and westerly winds, which prevail from June till September, and are called neap tides. The northerly winds prevail from November to March. The northeast winds raise the tides, and the southwest and west reduce the most. At times, the tides rise only three and a half to four, and, at other times, with a northeast to southeast wind, to eight feet. Mr. Michael Delaney, one of the oldest pilots, states he can carry out a merchant ship drawing seventeen or seventeen and a half feet, and a man-of-war of eighteen feet, and that there would be more safety for the latter in crossing the bar, arising from their superior sailing.

Question third. The strength of the current on the bar, and to a safe anchorage within it?

Ans. The strength of the flood upon the bar is about two knots; when the wind is southeast to southwest and northeast, one and a half knots. The ebb runs with the usual winds three to three and a half; and if there is a fresh in the river, about four knots. A safe anchorage within the bar may be had, the light bearing west by south in three and a half and four fathoms. Ships-of-war generally anchor in the Roads, opposite Sullivan's Island, in seven to nine feet, (probably fathoms.)

Question fourth. Width of the channel upon the bar? *Fifth* Width of the bar? *Sixth.* And nature of the bottom? *Seventh.* With what winds large vessels can cross the bar, inwards and outwards?

Ans. Width of the channel upon the bar from north to south, one-quarter of a mile. *Fifth.* Width of the bar east and west, about a mile; the shoal part about three hundred yards. *Sixth.* Bottom sand and mud. *Seventh.* Vessels cross the bar inwards, with the winds from north to south; and outward from north to west.

Question eighth. The prevailing winds at different seasons of the year?

Ans. The prevailing winds from June to September, are southeast to west; from September to January, north to east; from January to May, northeast and southwest.

Question ninth. The extent of safe anchorage for large vessels, after crossing the bar, may be from

Cumming's Point, opposite Sullivan's Island, all the way to the city, an extent of six miles and upwards.

Question tenth. The convenience of such anchorage for receiving supplies from the shore?

Ans. The convenience of such anchorage for receiving supplies is easy, unless a gale of wind should happen, which is seldom. Packet boats and steamboats can always be had, should vessels of war not choose to use their own boats and men.

Question eleventh. The facilities for obtaining good fresh water?

Ans. Good fresh water is supplied by tanks with forcing pumps from good wells. There are large cisterns upon the wharves which afford a good supply, if preferred.

Question twelfth. What supplies of provisions and stores for a fleet could be obtained from the surrounding country, and to what extent, at short notice?

Ans. The planters of this State cultivate rice and cotton, and do not turn their attention to salting pork and beef; nor growing any great quantity of wheat for grinding and putting up flour, preferring to depend upon the north for supplies of salted provision, butter, lard, flour, &c. In the event of a fleet calling at this port for supplies, it is admitted only a small quantity could be had, except fresh beef, pork, salted beef, salted pork, bread, flour, and whiskey, &c. If it was known that the smaller sized vessels of war would resort to this for supplies, merchants would always keep on hand such articles as may be required in every line of business. The United States might have a depot of salted beef, pork, butter, and such articles as would keep in this climate, and purchase the smaller as occasion required.

Question thirteenth. Whether the harbor has good positions for a dock or navy yard?

Ans. It has several good positions. A navy yard might be established upon a scale suited to the depth of water upon the bar at spring tides, at different places.

First. Opposite to the city, upon the same island whereon Castle Pinckney is erected; to the north of the castle is a body of marsh, which, at a considerable expense, might be excavated and deepened for a dock; the mud and sand taken out would, in part, raise a dam or bank to erect the necessary buildings upon, aided with palmetto logs and stone. There are plenty of shells on banks in the rivers, which, with coarse lime, a strong work could be erected; a cistern could be built to contain all the rain water that might fall upon the buildings. The castle has a cistern to supply a soldiery. The channel runs within fifty yards of the marsh. A rough sketch has been made of a dock. The advantage of a depot adjoining the castle would be that the seamen and workmen could, at all times, be kept at their post, and prevented from getting intoxicated at houses in the city. This situation would require a strong embankment to resist a rise of waters during a hurricane.

Second. Three miles above the city, on the eastern side of Cooper river, is Lempriere's Point, where there is a basin, surrounded nearly by high land, the diameter of which is 150 yards; this could be excavated and deepened so as to admit vessels, at spring tides, of ten feet, to enter from the river. Wells could be sunk to supply all the good water that might be wanted. This site could be fenced in and the men prevented from visiting the city. The health, at all seasons, is said to be good, as the proprietor lives there all the year. August, September and October are the sickly months.

Third. The site where the John Adams was built is four miles by land from the city, upon a bold creek of five fathoms. The situation is low, and water bad; all who have lived there the year round never escape the fall fevers; the men cannot be prevented from coming to town at night.

Fourth. Between Gadsden's wharf and wharves to the south is a body of marsh land, belonging to the estate of the late Col. Henry Laurence; this is for sale. It would require to be dammed in, and a wharf of palmetto logs erected, in the manner all have been done on Cooper river, at a considerable expense.

Fifth. There is a bold creek (Town) above Gadsden's wharf, that is twenty feet deep at low water, and runs near the land called Hempstead. A wharf could be run from the high land, a distance of 450 yards. The water, with which the tanks supply the shipping, is from this quarter. This site may be a mile and a half from the centre of the city, and, to be improved, would require a considerable sum.

Sixth. There are shipwrights, who offer their wharves for sale, and would require improvements.

Seventh. There is a tide water saw-mill upon the margin of Ashley river, upper end of Tradd street. There is a considerable parcel of land formed with mud and sawdust. A wharf has been run out with palmetto logs, and filled in part; there is ten feet at low water: this mill and site may be purchased.

The river is five or seven feet deep, and is upon the western side of the city, and secure from northeast and southeast winds, in hurricane seasons: this situation is capable of extensive improvements; cisterns must be built to contain rain water that may fall on the buildings. There are not any wells of good water, easy of access, on this river. All pine lumber, and some other kinds, comes into this river, fresh from the country, for the mills on both sides of the city. There is also another situation, a quarter of a mile above, on a creek, which would require deepening to come near the land.

Eighth. A wharf, with two brick stores, tiled and slated, may be purchase[1], or leased, from Mr. F. C. May, adjoining the ship yards, on Cooper river, the same that was occupied during the war by the Navy Department, and since for a time.

This could be fenced in upon two sides, and would answer as heretofore, upon a small scale. By adding a head to the present wharf, a sloop-of-war could haul on each side, land stores, careen and refit; there may be eighteen feet at the head of the wharf; bottom soft mud.

This is the most eligible situation in the city for a temporary establishment, all the mechanics being near at hand. A cistern could be made, at a small expense, to supply vessels in part.

Question fourteenth. How near does the channel run to the shore?

Ans. To Castle Pinckney, about 40 or 50 yards; to one wharf on Cooper river, 30 to 40 yards; to Lempriere's Point, 30 to 40 yards; any vessel that can cross the bars can lay at anchor at those distances from the shore, in 4½ to 5 and 7.

Question fifteenth. General health and quality of the soil?

Ans. There are only three months considered sickly in this State—August, September, and October. Soil, in some places, mud and sand. High land generally sandy.

Question sixteenth. Wharfing to the channel?

Ans. Palmetto logs resist worms, and are in general use in building wharves, and may be had in abundance. Stone may be had from the north to fill up, or build and shingle. Ballast from merchant ships for the like purpose.

Question seventeenth. Whether the worm is destructive in the harbor?

Ans. The worms cut from April to November, and a new bottom has been destroyed by them in six weeks, so as to require new plank.

Question eighteenth. Price of provisions of every kind?

Ans. The prices of provisions vary, according to seasons, and a variety of occurrences; and to fix a stationary rate is not practicable in any city of the United States.

Question nineteenth. The facilities of obtaining timber?

Ans. The facility of obtaining pine timber, cypress, and white oak, is easy; it is cut on Edisto river, and rafted to the city: live oak is cut on the island, and upon the main land, and is sent to the city in small vessels constructed for the purpose.

Question twentieth. Number of mechanics to be obtained, and laborers; also, the daily wages of each?

Ans. There are shipwrights, white and colored, 120; black and whitesmiths, 130; gunsmiths, 15; block and pump makers, 25; boat-builders, 16; ship-joiners, 10; brassfounders and coppersmiths, 10; sailmakers, 32; riggers, 20; painters, 60; coopers, 60; turners, 16; tin-workers and plumbers, 20; millwrights, 16; wheelwrights, 34; cabinet-makers, 60; coachmakers, 40; house-carpenters, 200; tanners, 40; bakers, 60; butchers, 100; saw-mills, impelled by water and steam, 8; iron foundries, 2; ropewalks, 2; ship-chandlers, 6. There are also a number of other tradesmen, whose occupation is essential in the community. The wages of white workmen is $2 per day; black, or colored, $1; and colored laborers can be hired at ten or twelve dollars per month. The general average of wages is $1.12½ per day, and is cheaper than in Boston.

JNO. ROBERTSON.

CHARLESTON, *May* 18, 1825.

No. 3.

CHARLESTON, *August* 5, 1825.

DEAR SIR: The polite acceptance of the offer made you, to contribute our personal services and information in aid of the important investigation you are commissioned to make, touching the expediency of establishing a national Navy yard at Charleston, with the specified points of inquiry subsequently received, were early submitted to the consideration of the committee. A desire to impart full and minute information, the difficulty of procuring a simultaneous action on subjects eliciting the opinions of several, and your indulgence limiting the suspension of this reply to our own convenience, we respectfully offer as apologies for the time permitted to elapse since your communication was received.

To the several inquiries whether there are good positions in this harbor? Their proximity to a depth of water equal to that on the bar? The facility for obtaining fresh water? And the general health of such positions? the committee have instructed me to make the subjoined replication.

There are several, well adapted to the uses of the government. The best, in some respects, are already occupied for commercial uses, and can now be procured only at a cost which it is probable would constitute a serious objection. Those which remain may be procured and improved for a trifling amount, and do unquestionably offer some advantages of which the first are not susceptible.

On the Cooper river, and within the corporate limits of Charleston, is a lot, the property of the heirs of the late Henry Laurence, very capacious and contiguous to springs of fresh water. The health of this spot may be estimated by the health of the city; it consists of shoal and high marsh lands, occasionally covered by the tides. The depth of water is 20 to 25 feet, where the improvements will be made, leaving an extensive dock in the rear. The distance from the high land to the channel is 1,100 feet.

The next lot of land above Gasden's wharf, for a description, admits of reference to the first; possesses the same advantages and disadvantages, is without the corporate limits of the city, and is supposed to be generally healthy, even to foreigners.

At the eastern extremity of the Charleston line another has been noticed, but its inaccessible location renders it ineligible, though presenting the advantages of health and good water.

The ship yard on Town creek, occupied by the late Paul Pritchard, and by him selected for building the frigate John Adams, is three miles from the city. The high land is contiguous to the channel, and affords an adequate depth of water. This situation is sickly in the fall of the year; and good fresh water can be procured only by cisterns, or transportation in tanks.

Hobcaro, the property of William Pritchard, is a bluff on the eastern side of Cooper river, 2½ miles from the city, at the base of which is an adequate depth of water for any naval purposes. The health of this position is equivocal; it is the received opinion that fall fevers occur sometimes here. Fresh water is abundant, and very good. There are one or more positions contiguous to this spot, and very highly esteemed by practical men for their adaptation to the uses contemplated. Prince's Point, and a piece of land, the property of W. Smith, jr., may merit your inspection.

Schute's Folly, the island of marsh land, opposite the city, on which Castle Pinckney is located, affords two or more admirable positions; a light cost, in a national view, would render this place the very best site for such an establishment. The health of this place has often been tested, and may, with no impropriety, be compared with Sullivan's Island. Its insular situation will advance and facilitate the establishment and maintenance of subordination and discipline; while it places without the reach of depredation the materials and stores requisite for naval uses. Fresh water may be obtained in tanks, or received into cisterns. The channel on both sides of the island affords an adequate depth of water for any vessel that can pass the bar.

These are all the positions on the Cooper river, and one of its confluent streams, that the committee think would answer. Your attention will now be directed to the Ashley. The first, on Mr. Duncan's mill establishment, is on the edge of the river; at his wharf a depth of 18 feet water will be found, and any required depth by a small projection of the work towards the channel. A good road has been made to cross the marsh 700 or 800 feet in length to this point; it would be requisite to augment the space now occupied as a lumber yard, by filling above the high tides the contiguous marsh lands. Fresh water must be procured for this position through the intervention of tanks or cisterns. This situation is considered healthy. In ascending the river a few hundred yards, another situation is offered, holding a high

place in public estimation: Mr. Martin Stroble's steam-mill lots, and the lots of Messrs. Hurtz, Brisbane and Hadeston, to the west. An extensive shoal of 7 or 800 feet is here interposed between the high land and the channel of the river. This situation is healthy, affords good fresh water, is covered from equinoctial gales, and the very best for obtaining the requisite supplies of materials, fuel, &c. The two latter places are within the corporate limits of the city.

From this position to, or near the Grove, the residence of the late William Lowndes, a margin of marsh land of 1,500 to 2,000 feet skirts at the river; at the Grove the river again washes the high land, affording a site easily improved, yielding a supply of good water, but not so accessible as either of those first mentioned, and supposed to be sickly in the fall of the year.

These are all the positions near or within the city, which the committee think adapted to the contemplated work. It is apprehended that objections may arise to the extent of shoal and marsh land, which must be necessarily embraced in the completion of a navy yard. Such objections will disappear when the original cost, the facility of improvement, and the great advantages they offer are considered. The lands thus circumstanced are usually procured at a small cost, and the materials for filling and raising them cheap and abundant.

Individual enterprise, even under prospects of equivocal benefit, evinces the correctness of this opinion; nor are the advantages they present to be disregarded. It is indispensable to every such establishment, in this climate, to have the command of a commensurate dock for depositing and preserving the timber and other materials required for the building and repair of vessels. In such they are kept without injury from the worm, for many years, and obtain a durability proportioned to their continuance in the salt water; the saline particles percolating and displacing the natural moisture or sap. The expediency and propriety of such an appendage cannot be too earnestly urged.

Experience favors the general impression that the worm is not so destructive in this harbor as in lower latitudes. Small vessels, navigating the rivers and creeks near Charleston, require to be careened two or three times in the year, but, as they are protected only by the pitch, and perpetually exposed to have it removed by the shell banks and shoals, on which they frequently lie at low water, this extraordinary case will not surpise. The materials for building and repairs are perfectly protected by the docks, previously the subject of remark; vessels of war on a southern station are usually shielded by copper.

The material uniformly employed in constructing the wharves of Charleston is the cabbage or palmetto tree. The strength and durability of this wood, when skillfully united, and its capacity to resist the worm considered, places it high in estimation. In the employment of this, but a small sum is requisite for the completion of an extensive work. Pine wood, mud, sand and stones furnish the filling, and abundantly supplied.

There would be no difficulty in procuring an adequate supply of provisions for vessels of war. The quantity would keep pace with the emergency, and increase as rapidly as the public wants should indicate. During the last war, when our northern supplies were intercepted, an abundance of wholesome flour, and of cattle and hogs, were furnished to the troops on various southern stations from this place. Independently of the resources of this State, Tennessee, Kentucky, North Carolina, and Georgia would contribute, on any new emergency, to answer every possible demand. These States were resorted to when our usual resources had failed, but the facility, in a time of peace, of procuring provisions from the northern States would remove every doubt of a deficiency.

Thus far, we have replied, specifically, to the interrogatories you were pleased to make to the committee; and, under the general privilege of furnishing any other information, we take the liberty to subjoin the following remarks:

The bar has been, and is still, regarded a potent obstacle to the establishment of extensive naval operations at this place. We are fully aware of the reasoning on this subject, and the minute practical information you have procured by a laborious investigation. It is a matter, however, so vitally important to the prosperity of Charleston, that we would lean confidently on your indulgent attention for the suggestions here offered. Mr. Michael Delany, a man of respectability and great experience in his pursuit as a pilot, declares, with confidence, that a vessel of war drawing 18 feet water, and a merchant ship of 17 feet, can cross the bar: the superior sailing of the former rendering it more safe than for the latter. Within the knowledge of the committee, two merchant ships did go out a few days since, one of them drawing 16½ feet, and the other 17 feet, on an ordinary tide. There is, however, not one of higher authority than your own to attest these facts. If, however, a conclusion hostile to our desires results from the impression that the depth of water is insufficient, and the bar dangerous, we do conceive that the removal of the impediment is not only within the power but the province of the national government. In seeking the remedy, it is expedient to recur to the originating cause of the defect. One of the early acts of the corporate authorities of Charleston was to fix the rates of pilotage. By these, vessels draw-21 feet are recognized, and could not have obtained a place there had any obstruction existed to their passing in safety. If, then, (and the fact may be further illustrated by reference to other official documents,) there was 22 or 23 feet water on the bar, the difference which now appears is calculated to excite alarm, and interest all those whose duty it may be to trace the cause and arrest an evil which threatens to annihilate the commerce of Charleston. This cause, the committee think, will be found in the receding points of Sullivan's and James' Islands. It is the opinion of several old and observing gentlemen, that, at the period when General Moultrie so gallantly defended the Palmetto fort, the proximate points of those islands were from six to seven hundred yards nearer than at present. As this outlet widens, the bar necessarily becomes shallower.

By the dispersion of the confluent streams of Ashley and Cooper rivers over this augmented space, the currents lose their effective and direct action, are divided, and minor channels are formed, and the deeper gradually closed.

Should the government carry into effect a favorite and long contemplated measure of defence, that of constructing a permanent fort at the eastern extremity of the shoal or bank leading from the present site of Fort Johnson to Sullivan's Island, and uniting it to James' Island by a sea wall, and protecting Fort Moultrie by a similar wall projected from the west end of Sullivan's Island, in process of time the bar would afford a greater depth of water, the city obtain the defence it has long required, and the port of Charleston, in its increasing commerce and the advantages it would present to the naval service, amply refund the sums thus applied. It is confidently believed by the committee that Gen. Bernard recommended this position as the best in the harbor for a fort. It will not certainly be regarded immaterial to the general government to have a secure and always accessible point of rendezvous between the

capes of the Chesapeake and the Florida. During a period of war it is indispensable. There is certainly not one on this great extent of coast more convenient, or improvable at a less cost.

The number of mechanics at Charleston vary from twelve to fifteen hundred; of these one hundred and twenty are ship carpenters, particularly devoted to that branch of business. This number may be augmented in a short time to answer every possible call. Our young men have hitherto been prevented from engaging in a pursuit unhappily rendered unproductive, and in which there rarely occurs an opportunity for the display of skill or exercise of talents.

Since the adoption of the Constitution, and consequent surrender of the imposts to the general government by this State, this branch has declined; for, with the exception of a vessel of war contributed by this State, or perhaps a few gun boats and revenue cutters ordered by the general government, and some slight repairs to vessels on southern stations, the patronage of the general government has been withheld. It will not then be looked for that we should at once compete with the northern cities, into which the national favors have flowed with a perpetual and exhilarating stream, eliciting, improving, and rewarding exertion.

Amongst the mechanics of Charleston are many ship-joiners and blacksmiths, emulous to vindicate their just claims to merit and a portion of the public favor. Our bakers are confessedly equal to any in the Union for their promptitude in executing orders, and the excellence and durability of their bread. If to these we add the low rates at which ordinary laborers may be employed, it will not surprise when we assert that a vessel of war can be built and fitted for sea, under all the disadvantages we labor, for as little money as in any other city in the Union.

The number of seamen, it is reasonable to infer, will have a just ratio to the commerce of a sea port, but we indulge the opinion that it will rather exceed than fall short of that proportion at Charleston. From Cape Henry to the mouths of the Mississippi, an extensive coast is presented, on many parts of which are the allurements to water excursions, which primarily promote that knowledge and those dispositions which constitute the sailor.

From such, in a time of emergency, (and the case has already occurred) influenced by patriotism or interest, a considerable number have embarked, and with adequate skill, to be highly useful either as mariners or seamen; to such there is no point of rendezvous superior on this extent of coast to Charleston.

Our Marine hospital has acquired a reputation which places it deservedly high in that class of public institutions. For, notwithstanding an insufficient allotment of funds under the acts of Congress relating to this subject, the city council of Charleston, influenced by a commendable regard to this valuable class of citizens, have exhibited the means of securing to them the best attendance and medical skill of which such an establishment was susceptible. It is now so well organized and conducted that, for the number of patients, as many pass from it cured or relieved as from any other perhaps in the world, while a complaint is rarely or never heard.

We are sensible, sir, of the trespass committed on your time and attention; but the deep importance of the subject, and the great interest we represent, will, it is hoped, furnish satisfactory apology.

With the highest respect and regard, your obedient servant,

THOS. BENNETT,

Chairman Committee of Citizens interested in the establishment of a Navy Yard at Charleston.

P. S.—I have been directed to add that vessels can now, with the aid of steamboats, cross the bar, without regard to the direction of the wind, during the day; and, with the aid of another light, could pass at night with equal safety and facility.

Capt. LAWRENCE KEARNEY.

No. 4.

Letter from Joseph Johnson and John Stoney, in relation to the port of Charleston affording suitable sites for a Navy yard.

CHARLESTON, *January* 3, 1825.

DEAR SIR: You have paid us the compliment to ask information respecting the sites for a Navy yard, in the vicinity of Charleston. We cheerfully afford such as we possess, but can only suggest some of the relative advantages and disadvantages of each. Your better judgment must decide.

We suppose it an object of some importance that such an establishment should be as near to the city as would be consistent with health, for the convenience of portage and transportation, and for mutual support in case of invasion.

The first that we propose is that well known as Strobel's steam saw-mill, and the land running from it westwardly, to the channel of Ashley river. This is the situation resorted to for safety, by vessels, during our severe N. E. and S. E. gales. It is safe from both town and country fever, if the workmen will confine themselves to that neighborhood during its prevalence; and affords, we believe, a sufficiency of good drinking water. It is the most convenient that can be chosen for procuring all necessary supplies of yellow pine timber and plank, and for preserving these and other timber and spars. It is feared that the wharf, required to reach a sufficient depth of water for large vessels, would be expensive, both in its construction and repairs. It is said that, although there is an extensive flat on this shore, the channel makes a bend near to this particular situation; on this point you must examine for yourself, or obtain correct information from Mr. Beach.

At the northeastern extremity of the lines, in Hampstead, about one and a half miles from the city, is a high and healthy situation, with a good landing and excellent water. This has been recommended, provided the adjoining marsh land be purchased to the channel of Town creek. Here it would be necessary to build a short wharf, and connect it with the high land by a causeway and bridge; the distance about one-fourth of a mile. The depth of water would be abundant, and the whole establishment sheltered.

Castle Pinckney, and the island on which it stands, is likewise recommended for our purpose. Its insular situation, proximity to the city, protection from the castle, facility of transportation by water,

fine depth of water, and probable health of the residents, go far to recommend it. On the other hand, the marsh is all very low, and overflowed by every spring tide; the southeastern portion, in particular, is exposed to gales. No fresh drinking water is to be had, except from rain collected in cisterns. The northern extremity is a shell bank, with a fine landing, on which a stone, or other wharf, and permanent buildings, may be easily erected at a very moderate expense. Vessels, even of the largest size, would be pretty secure from gales, either lashed to this wharf, or at anchor near it. The distance from the castle to this extremity is three-fourths of a mile.

The old ship yard where the John Adams was built has some advantages, but is supposed to be too distant for convenience of transportation, and, by some, is believed to be exposed to country fever.

The situations at Hobcaw, have the same advantages and disadvantages as the preceding, the latter in a greater degree; and some danger may be apprehended from an enemy in time of war.

The anchorage, everywhere, is very good, and the annoyance from worms, although common in the summer months, not worse than in other southern ports.

We are, very respectfully, your very humble servants,

JOS. JOHNSON.
JOHN STONEY.

Letter from Charles P. May, offering his wharf as a suitable place for a Navy yard.

CHARLESTON, *August* 11, 1825.

DEAR SIR: By your desire, I address you these few lines at your departure for the north, to give you the dimensions and other particulars of the wharf property which will be disposed of to the United States, if wanted; a part of which was formerly occupied in this place by the Navy Department as a navy yard.

Both wharves have complete stores on them, of brick, and tiled roofs. Of the south wharf, formerly where the navy yard was kept, you have herewith a plan, according to which, the dimensions are thus:

The wharf, 282 feet long, from Concord street east, to the channel of Cooper river; it may be carried out further, if required. The front of the same is 87 feet; width of wharf, 43 feet; dock on south side, 30 feet; and on north, 14 or 15 feet; length of the docks, about 220 feet. To the west of Concord street (50 feet wide) there is a lot with two large brick stores; the lot measures 87 feet by about 80 feet. For this said property, as was mentioned on a former occasion to Captain Sinclair, thirty thousand dollars will be taken.

Adjoining the said property, to the north, is my father's wharf and stores, of the following dimensions (description):

Front, about 112 feet, and extends from the east of Concord street, (as the other wharf) to the channel of Cooper river, within about 20 feet as far as the other, say the south wharf; width of the wharf, 46 feet. On the south side, is a dock of 35 feet wide, and on the north, 32 feet.

To the west of Concord street, (as the other property) there are three brick stores, on a lot of about the same dimensions as the other, and on the wharf there are, besides, two wooden stores, tiled roofs.

Between the two wharves, there is a street, as you see marked in the plan (Pinckney street), 33 feet wide, which adds to the dock room. From the said plan, you have the appearance of both properties. For the latter, my father will be willing to take thirty-five thousand dollars.

I have given you all the information I can; you know its situation as to the good order in which the premises are, as well as the security and safety thereof, and other particulars. Meanwhile excuse my haste.

I am, very respectfully, CHAS. G. MAY.

To Captain KEARNEY.

P. S.—I have to beg you will inform me, should there be any disposition on the part of the United States to purchase.

I will be ready to furnish any further information respecting the said property, if required, or whenever addressed on the subject.

Letter from James Marsh, offering his wharf as a suitable site for a Navy yard.

CHARLESTON, *August* 12, 1825.

SIR: I am not positive in my recollection whether, in the letter addressed to you by the standing committee, respecting the local sites and situations in the harbor of Charleston most suitable for a naval establishment or ship yard, the sites of Lamprier's Point, or Marsh's ship yard, at what was formerly Gadsden's wharf, were mentioned as suitable situations. If they were not mentioned in that letter of general information, I beg leave to draw those two last situations to your recollection. Lamprier's, or Prince's Point, I know you have particularly examined, and is on the opposite side of the town.

My ship yard, at the wharf, (formerly Gadsden's,) is situated in the upper part of the city of Charleston, and is an old established and firm place, the situation perfectly healthy, and handy to the saw-mills. The lumber, plank, &c., &c., are all brought from the mills by carts, and dropped at the yard gate, handy to the city for any and every use that may be required.

There are four fathoms water at the head of the wharf and at the sides. I heave out and repair ships. There is a good building yard and launching slip, which I have used for a ship yard these last eighteen years, and have built a great many vessels in that time.

There is a new dwelling-house on the premises, with double piazzas on the front, (which is to the south,) and the two ends built on a stone foundation, and of the best materials, with cellar kitchen underneath, and store rooms, pantries, and dressing rooms, counting-house room, and all the necessary requisites, all of which are finished in the best manner. It is suitable for the residence of a private family, or persons attending the ship yard. It is of very little use for me to describe the place to you, as you have a knowledge of it already. But should my ship yard be deemed by government a proper and suitable situation for a naval ship yard for Charleston, and as it can be occupied and made use of immediately, without any expense to government, I would be disposed to sell it for the use of the government, (when I would not do it to an individual.) My price for the whole premises, including the house and wharf, workshops and workshed, would be twenty-five thousand dollars, which is considered a very reasonable price for that property.

N. B.—I omitted to mention there is a very fine brick cistern on the premises, containing thirty-five to forty hogsheads of rain water for the use of the house and ship yard. From the upper piazza is a fine view for an observatory, commanding a view of the whole harbor and sea, vessels running down to the bar, or passing our harbor.

I wish you to lay this letter, with your other information, before the Hon. Secretary of the Navy, or other department of government that you may be connected with in your official and private capacity.

I am, sir, with much respect, your humble servant,

JAMES MARSH.

LAWRENCE KEARNEY, Esq.

No. 5.

Report of Dr. George Logan in relation to the health of the several positions in the harbor of Charleston, proposed as suitable for a Navy yard.

CHARLESTON, *S. C., April* 27, 1825.

SIR: The subject of the healthiness of the several places near this city, which have been examined and pronounced suitable sites for a Navy yard, has received all that attention which its interest and importance require. In compliance with your desire, I submit an opinion, the result of my diligent inquiries.

1. *Lamprier's Point,* (Prince's ferry place.) This is distant about three miles northeast from Charleston, on a bluff commanding the entrance of Wando river. Many circumstances concur to render this an eligible situation; but although generally healthy, the inhabitants are not exempt from occasional attacks of ague and fever, especially those who are much exposed after a wet summer. The drinking water is excellent.

2. *Shute's Folly,* the mud island on which Castle Pinckney has been built, distant about one mile east from Charleston. This is not liable to the foregoing objection, there being here no noxious or miasmatic exhalations, or other causes of endemical fevers. It is, however, much exposed to the violence of storms and inroads of the sea, and produces no wholesome water, either for drinking or culinary purposes.

3. *Strobel's mill-seat,* Cummen's Point. This place is perfectly healthy at all seasons, the drinking water excellent, and the distance from the immediate vicinity has been known to be exempt from yellow fever, when that disease prevails in Charleston.

4. *The late Navy yard,* formerly Captain Cochran's farm, distance about four miles from Charleston. The drinking water is good, but the situation is liable to the same objections noticed in our view of Lamprier's Point.

5. *The entrance of Town creek,* Hampstead. This, in point of salubrity, equals Strobel's mill-seat. The drinking water is good.

6. *Marsh Island,* Woodlands. This is liable to some of the inconveniences mentioned in our description of Shute's Folly. The situation is healthy.

I am, sir, yours, respectfully,

GEORGE LOGAN, *Naval Hospital Surgeon.*

LAWRENCE KEARNEY, Esq., *Master Commandant U. S. Navy.*

F.

WASHINGTON, *January* 16, 1826.

SIR: I take the liberty of sending you some papers containing additional information on the subject of the expediency of establishing a Navy yard at Charleston, S. C., of which you may make any use you think proper.

I am, sir, very respectfully, your obedient servant, ROBERT Y. HAYNE.

The Hon. SECRETARY *of the Navy.*

No. 1.

Answers of John Strohecker.—The bar at Charleston.

Question first. I answer, from the information of the oldest sea captains and pilots of this port, that the largest ships trading to Charleston draw from sixteen to seventeen feet of water; that they go out with safety, and easily; that Charleston is a port of as easy and safe access as any port in the United States, and more so than many. From Cape Roman to Martin's Industry, there is a gradual, unvaried slope in approaching the bar.

Question second. From information of pilots and the oldest sea captains of the port, it appears that the John Adams, built and equipped here, drawing seventeen feet eleven inches water, was piloted out, and in perfect safety; that the American ships-of-war Hornet, Wasp, (a sloop-of-war commanded by Captain Jones,) Enterprise, and many others, during and since the late war, have visited Charleston, and never experienced any delay in going out or in; that the Indian, Driver, Zebra, Cherub, and other British sloops-of-war, with many heavy British brigs-of-war, have visited Charleston, and never met with delay at the bar, or in being furnished with supplies. The Margaret and Hindostan, ships built in Charleston, drawing seventeen feet water, traded always to this port; that, during the late winter, the British ships John and Mary, and Royalist, drawing seventeen feet six inches, were loaded with rice and mahogany in this port.

I beg leave here to state that, in my opinion, the bar of Charleston can be deepened at a small expense, and without risk, and that it ought to be done by the United States, in connection with their fortifications about to be erected in this port: if necessary, I will give my idea how it can be effected.

The situation of Charleston as to supplies.

Question third. Charleston is situated in a country abounding in grain and cattle, and supplied in those articles by the States of North Carolina, Kentucky, Tennessee, Alabama and Georgia, especially by their cattle, hogs, sheep, flour, &c., which come to it for sale—flour often selling as cheap, and always nearly so, as in the northern ports, and whose market affords, *every day throughout the year*, vegetables of the best kinds, with beef, pork, veal, mutton, venison, fish and poultry, as cheap, generally, as in the northern cities; in proof of which I refer to the public institutions being now supplied with beef, veal, pork and mutton, at four and three-quarter cents per pound. As for water, there is a spring near the city, accessible at all times to boats and water craft, sufficient to supply any navy, and keeps well at sea. I, therefore, say, a city so situated can afford supplies for any fleet, and that Charleston certainly affords more facilities, better and cheaper supplies to vessels-of-war, than any port between the capes of Virginia and Florida.

I would refer to the statements of Captain Pratt, and others, now in my possession.*

Health of Charleston.

Question fourth. Vessels coming into Charleston during the summer season, free from epidemic, will, with little or ordinary care of keeping the seamen from dissipating habits, a precaution necessary in every port, and not more so in Charleston than in any other in the United States, enjoy as good heath as in any city of the Union. On the score of health there can be no substantial objection. Our winters are healthier than any northern city; and in seasons when no yellow fever occurs, no city on earth enjoys more health. The yellow fever prevailed in 1807; from this to 1817, the city was free from it; in 1819 it appeared, and in 1824. It is probable that, in process of time, its occurrence will be rare, from the vigilance of the police, and the improvement of the city. New York and Philadelphia have the epidemic yellow fever almost, if not as frequently, as what we have; and what is worse, in these cities, it affects all the inhabitants indiscriminately; whereas, here it is partial, and confined to strangers. (See Doctor Simons and others' statements.)

Question fifth. During the season when the yellow fever prevails, Hailestur's Green, Mazyckborough, and Cannonsborough, are all free from its ravages. In the summer of 1824, upwards of fifty persons, all strangers to our climate, were employed in repairing steamboats at the west end of Beaufair street, near Mr. Strobel's steam-mill, not one of whom took the fever. A German vessel, with her crew, during 1824, lay in Cooper river, opposite the city; not one of her crew was taken sick. Numberless instances might be cited. It will, therefore, appear that ordinary care on board of the vessels in the harbor, and if the Navy yard or depot was established on Ashley river, near Beaufair street, the men would be in no danger from the yellow fever. The crews of our vessels of war, stationed here during the last war, were as healthy as in any port in the Union. (See doctor Simons and others' statements.)

Advantages of Charleston as a naval depot.

Question sixth. Charleston is better situated than any port between the capes of Virginia and Florida; and all nautical men agree that it is preferable, in every point of view, to Key West, for a rendezvous for the squadron appointed to suppress piracy in the West Indies. Captains Pratt, Butler, Fuller, Alexander, and others—men who have, for years, traded to the West Indies, are unanimous on this subject.

Question seventh. The facilities of Charleston for a Navy yard are not surpassed by any port in the Union, and, in some respects, superior to many. Timber, of all kinds for ship building, is to be had in abundance in the neighborhood of the city, such as live oak, red cedar, pine—all of the best quality. Mechanics may at all times be had, and a competition among them will take place. I beg leave to refer to an annexed statement of the number and price of labor. Cordage and canvass can be procured at the prices stated in the estimate of a sloop-of-war, at which prices the ship chandlers offered to furnish them; and one of them offered to engage to furnish sufficient for ten sloops-of-war during the course of a year. Vessels are daily rigged, and, from the information of captains and merchants, nearly as cheap, and in some instances cheaper. Hemp, the growth of this State, was formerly exported, and by experiment proven to be stronger than the imported.

Vessels repaired at Charleston.

Question eighth. Vessels of war, American and foreign, have been repaired in Charleston, and with satisfaction to captains and agents. Several ship-carpenters have examined the estimate of a sloop-of-war built at Charlestown, Massachusetts, and do say a similar one can be built here for the same, or rather less sum. There are several ship-carpenters of considerable capital, and for workmanship excelled by none—witness several vessels built here during the last war. They are willing to contract to build such a vessel, but as all vessels of the United States navy are now built by the day's work, (as found by experience to be the best mode,) several of them are willing to act as foremen, and hire their workmen to the United States at reasonable wages.

Sites for a Navy yard.

Question ninth. There are several situations suitable for a Navy yard, and afford all the facilities, in the opinion of sea captains and others, requisite for it; especially, one at the west end of Beaufair street, on Ashley river, near Martin Strobel's steam mill. The situation is healthy in the sickliest season, (see answer to fifth question,) and I have remarked that, for twenty-eight years past, the strangers who resided in that part of the city escaped the yellow fever. I might cite numerous instances of mechanics and others. This situation is, likewise, protected from our autumnal and easterly gales; for, should the United States establish a Navy yard, and place it on Cooper river, it would be liable to be destroyed by a gale, such as 1804. If this should occur, it is natural to conclude the United States

* It is my opinion that the States of North Carolina, Kentucky, Tennessee, Alabama and Georgia are greatly interested in the establishment of a Navy yard at Charleston, for much of their produce is brought to the Charleston markets for sale—especially their hogs, cattle, sheep, flour, bacon, &c.

would withdraw it, and, perhaps, never order another to be erected. I am supported in the above opinion by every sea-faring man whose opinion was requested. Portage to it is cheap and easy. The timber market is on the spot, and the saw-mills in the neighborhood; some improvements of brick are likewise on the spot.

Advantages of Charleston.

Question tenth. The advantages of a Navy yard at Charleston, S. C., to the United States, would be a more efficient aid to a speedy suppression of piracy in the West Indies, as vessels of war would be sooner on most of the cruising grounds. Vessels generally reach the Havana in eighty or ninety hours from Charleston, with efficient crews, and, on their return, would be, with expedition, refitted for another cruise, with a crew refreshed and recruited, and in good spirits; whilst from Key West, or any of the half-dry spots in the neighborhood, if there refitted, the crews are emaciated and dispirited by disease, and wants which are not to be had. I refer to seamen, who know what difficulties occur with a dispirited crew; and here, I beg leave to remark, that on all those islands no good water can be procured, nor ever will. The case is this: after digging a well, if I may call scraping away a few feet of sand, you may get the first hogshead, to appearance, good, but the next is worse, and so on, until it becomes at last brackish, and of no use for shipping; besides, it will not keep at sea. A volume might be filled with inconveniences and loss incurred by retaining the rendezvous at one of those islands.

There is another and very important reason in favor of Charleston over every southern city, which is the strength of its population, in being always able to protect a naval station in peace or war; whilst in every other southern port it would be necessary to have a regular force to protect it; and if, in time of war, the population of the city is not sufficient to protect it, is there another city in the southern States so ably supported by a population who can be collected from its own and neighboring upper parts of the State?—from which I would deduce this: that it would be wise in government to attend to the port of Charleston; first, by establishing a Navy yard here for building sloops-of-war, and other small vessels; and next, to inquire if the bar can be deepened. If so, that it would be the interest of the United States to establish one for large vessels. Anchorage, in and outside of the bar of Charleston, is excellent, and not exceeded by any port in the Union. The British sloop-of-war Driver rode out the gale of 1804, off the bar; and during the Revolution, a 64 gun ship lay off at anchor for near a twelvemonth; and so, during the late war, the enemy remained at anchor off the bar. The good anchorage of the harbor of Charleston is notorious among seamen.

Captain Pratt states, he had a ship called the St. Andrew, built in Charleston, of three hundred and twenty tons, copper fastened—was completely fitted out under his own inspection, in 1804, everything being of the best quality, and all procured at this place, at a time when materials were higher than at present, and the cost did not exceed $22,000. Her cordage was of South Carolina hemp, and proved to be stronger than the imported.

Charleston will, ere long, be supplied with iron of a superior quality from the back part of this State and North Carolina. During the late war we received much of our bar iron from there, and she supplied Charleston with cannon ball, &c., as cheap as the northern cities.

A Navy yard at Charleston would give the United States command of a number of mechanics accustomed to the climate, and they could, in case of emergency, be employed on the neighboring [islands] in cutting timber for the Navy yards at the north.

JOHN STROHECKER.

No. 2.

CHARLESTON, *April* 21, 1824.

SIR: I yesterday received your favor of the 12th, and immediately instituted the inquiry you proposed. It is with pleasure that I communicate the following results:

Price of labor for—	Per day.
White ship-carpenters	$2 00
White blacksmiths	1 25
White block and pump makers	1 25
White ship-joiners	2 00
White riggers	1 50
White painters	1 00
White turners	1 00
White coopers	1 00
8)	$11 00
Average	$1 37½
Negro carpenters	$1 00
Negro blacksmiths	75
Negro blockmakers	87½
Negro joiners	75
Negro riggers	1 00
Negro painters	75
Negro turners	75
Negro coopers	75
8)	$6 62½
Average	$0 82¾

Recapitulation.

	Per day.
Average price of white laborers	$1 37½
Average price of black laborers	82¾
	2)$2 20¼
Average hire of white and black mechanics	$1 10

Remarks.

First. Many of the ship-carpenters have worked, and some of the whites have acted as foremen in Navy yards at the north, where ships of war were built, and assisted in building them.

Second. Most of the mechanics, if hired by the month, may be had cheaper, especially black mechanics. I know that black ship-carpenters can be hired by the month at $20; blacksmiths, $15 to $20 per month; painters and others, cheaper; porters and others, not mechanics, $10 to $12 per month.

Third. A very large proportion of the work about a vessel of war may be done by the blacks, and the average thereby probably reduced to $1 per day.

Fourth. The above information was obtained without exposing the average price of labor in other places.

In addition to the above, it may be worthy of remark, that a commissioner was nominated by our legislature, in their last session, to inquire and report if any, and what, improvements may be made in our harbor, with the view of a naval depot being established here. This suggestion originated with Mr. Mills, but has been materially altered, in consequence of a recent survey. At low water we found fourteen feet of water in the middle channel, or swash, which would give twenty feet at ordinary tides, and probably twenty-two feet at spring tides. This channel is fully half a mile wide, diminishing, of course, in depth on both sides. It is now better, and much more direct and easy of entrance, than the ship channel ever was, and this change has taken place within a few years, occasioned by an accidental circumstance. A large ship, an East Indiaman, a prize, was chased in during the late war, and lost in the old north channel; her hulk obstructed the current, and now a pilot boat can scarcely pass through it. In consequence, as we believe, of this, the middle channel has improved, and Sullivan's Island has washed away very much. The island channel is still very inconsiderable, may be easily obstructed by a hulk, and by which the valuable public and private property there may be preserved from the encroachments of the sea, Fort Moultrie preserved, and the harbor rendered capable of receiving large ships of war. The coast, from Cape Roman to Martin's Industry, off Port Royal harbor, is uncommonly fine, being a gradual slope of one fathom to a —— until they reach four fathoms, beyond which none should approach without a pilot. I enclose a rough sketch, that I may be the better understood.

Yours, with much esteem and respect,

JOS. JOHNSON.

Hon. ROBERT Y. HAYNE.

No. 3.

CHARLESTON, *September* 20, 1825.

SIR: Your interrogatory, respecting the naval facilities of Charleston, has been submitted to me to answer, viz:

Question. Have you not seen and examined a statement of the cost of materials and building of a sloop-of-war at the Navy yard at Charlestown, Massachusetts; and could not a similar vessel be built in Charleston, South Carolina, for the same or a less sum?

Answer. I answer that I have formerly seen such an estimate, amounting to $46,516.25 for the hull spars and boats, of a sloop-of-war, to rate eighteen and mount twenty-two guns. Since which, I have seen the same amount confirmed in a communication, from a committee on naval affairs, to the honorable, the Secretary of the Navy, under date of January 7th, 1823, (and entitled, "No. 3—Estimate of the cost of building a sloop-of-war of the first class;") and I candidly think that similar vessels can be built in Charleston, South Carolina, on equally good terms.

To the second part of the interrogatory, "Are there not ship-carpenters in Charleston with considerable capital, and excellent workmen, who are willing to contract to build such vessels on these terms?" I answer: That I am a ship-carpenter, and sufficient master of my business to build a sloop-of-war and spar her, and that I have it in my power to give any instructions and directions that might be wanted, either to the blockmaker, sailmaker or rigger, as to size and quantity of any article in their departments. As to my capital, I will only say, my taxes amount to between two and three hundred dollars yearly. As to my character, I leave that for others to estimate; but I may speak of the characters of others of my profession; there are other and worthy ship-carpenters in Charleston, competent to build a sloop-of-war. As to myself and son, we should be much pleased and highly gratified to be encouraged by government, and permitted to build a sloop-of-war for them, on the same terms and price as that mentioned by the Massachusetts estimate; and if we should not make anything by it, yet it would be the means of renewing our spirits and giving encouragement to our mechanics.

As relates to the site for a Navy yard, I would offer my own, situated on what was formerly Gadsden's wharf, as one of the most firm and eligible spots in Charleston for that purpose, having been for nineteen years used as a ship yard, and where I have built many vessels. At the head of the wharf there are four fathoms of water, and at the sides I heave out and repair vessels. The wharf is in good order; there is an elegant dwelling-house on it, with double piazzas, (a fine view of the harbor and the bar, and a very considerable horizon of the sea in sight,) suitable for any officer who might be appointed to the station, and all finished in the best manner, with a brick cistern containing thirty to forty hhds. rain water. The yard is *in a situation* to lay down a *sloop-of-war without any expense whatever;* with launching slip, worksheds, &c., &c., and with the additional advantage of *two saw-mills,* one on each side, to the

north and south, and within less than a quarter of a mile of the yard, and with good springs and pumps of *fresh water in the vicinity*, where the shipping that came to Charleston formerly used to water. I would dispose of the whole to government on reasonable terms, to be occupied as a public establishment for naval purposes; but will not sell it to an individual.

I am, with much respect, your obedient servant, JAMES MARSH.

The Hon. R. Y. HAYNE.

No. 4.

NOVEMBER 12, 1825.

DEAR SIR: I regret that it was not in my power to comply with your request until this moment; upon looking over the books of the medical society I find the accounts as follows:

In 1808, no case of yellow fever; in 1809, a few cases of yellow fever; in 1810, one case of yellow fever; in 1811, no case of yellow fever; in 1812, no case of yellow fever; in 1813, no case of yellow fever; in 1814, no case of yellow fever.

Other years returned by the board of health.

I am, very respectfully, your obedient servant,

THOMAS G. PRIOSLEAU, *President Medical Society.*

JOSEPH JOHNSON, M. D.

BOARD OF HEALTH, CHARLESTON, *November* 5, 1825.

The following number of deaths in each year, is correct, taken from the books of record, kept by me, and now in possession of this board:

Year.	Total No. of Deaths.		Yellow Fever.
1815	863		None.
1816	367		None.
1817	1249		270.
1818	995		None.
1819	1092		176.
1820	827	Important cases	11.
1821	921		None.
1822	925		None.
1823	814		None.
1824	1059		236.
1825 to 1st November	697	From the West Indies	3.

JAMES A. MILLER, *Clerk.*

No. 5.

COUNCIL CHAMBER, *October* 25, 1825.

I do hereby certify that the public institutions of this city have been supplied with beef, under an annual contract with the city council, at the prices following, viz:

In 1814, at $6.50 per cwt.; in 1815, at $7 per cwt.; in 1816, at $8.50 per cwt.; in 1817, at $7 per cwt.; in 1818, at $8.50 per cwt.; in 1819, at $8 per cwt.; in 1820, at $7 per cwt.; in 1821, at $7 per cwt.; in 1822, at $6 per cwt.; in 1823, at $5.25 per cwt.; in 1824, at $4.75 per cwt.

WILLIAM ROACH, *Clerk of Council.*

No. 6.

Practical facilities of Charleston for naval purposes.

The situation of this city, deprived, as it has been so long, and continues to be, of the expenditure within itself of any portion of the immense national revenue collected in it and transported elsewhere, has justly excited complaint among our citizens—has wounded the honest pride of our mechanics, and caused among all who study the public good an anxiety to devise means of redressing the evil. South Carolina bears the same relation to the Union that Ireland does to Great Britain. The government takes from us all they can get, and do not spend a cent among us. The very solidity of our bank currency is a misfortune. Because we have the honesty to pay our notes in specie, they are caught up with avidity in other States, to pay debts to the nation which returns, like a carrier hawk, to re-demand the specie; so that the firm basis of our credit is a positive injury to our commercial facilities.

In this state of things, having a right, (for whatever can be proved to be just, because thereby invested with right, in a government constituted for the good of the whole,)—having a right, we repeat, to whatever share of public patronage we may fairly deserve, more especially if it be foolishly lavished elsewhere, we shall proceed to explain the really practical benefits to which the port of Charleston may be made subservient for naval purposes, and about which no sensible men will differ.

Charleston is much nearer Porto Rico and to three-fourths of the Island of Cuba, (the piratical ground,) than *Key West*, which is at present the rendezvous of the American flotilla.

Key West, or as it is called by the Spaniards, "Cayo Huesso," is about 75 miles north by east from Havana, and in about latitude 24 degrees 30 minutes, north; longitude 82 degrees west. Its contiguity

to the north coast of Cuba has given it some advantages as a rendezvous for our vessels of war in the West Indies, as they can readily fit out an expedition, and arrive at any point between Cape Antonio and Matanzas in a very short time after information is given of any acts of piracy being committed along that section of the coast.

But as Key West affords neither good *water* nor refreshments of any kind, and is also unhealthy, it is not necessary, in any way, to our vessels cruising *further to windward;* and to prove the inconvenience of this place as a rendezvous for such as may be required about the Island of Porto Rico and the eastern part of Cuba, we will make a comparative statement between the advantages and facilities that station affords, and those afforded to the vessels returning to some port on the southern coast, where supplies can be obtained at all times sufficient for the description of vessels which can, by their draft of water, enter the harbor.

Vessels of small size are unable to carry provisions and water for a great length of time. The frequent necessity then of re-supplying themselves with these articles, will oblige them to return to Key West often. It is not uncommon for vessels to be four or five weeks in beating to windward from the west end of Cuba to gain the east end, or Cape Maize, as it is called; and it would, therefore, be attended with great inconvenience, that, after reaching the weathermost part of their cruising ground, say 700 miles from where they set out, they should be under the necessity, for want of provisions, to abandon the advantage gained by so much loss of time and perseverance, and return to *leeward* again for new supplies.

How much better that the vessel should have her time in going down before the wind lengthened, as it would afford her opportunities of visiting every part of the coast or neighboring islands at pleasure. This may be done by the vessel; instead of commencing her cruise at Key West (*to leeward of every island in the West Indies*), commencing it at Charleston, whence she can make either of the windward passages into the West Indies at pleasure, and *in much less time than from Key West*, owing to the relative situation of the two places, in point of the winds and currents which prevail so much in favor of the latter, and which cannot escape the notice of any one who has navigated the two tracks.

It is proper to remark, that vessels beating to windward often strain their hulls and rigging very much. It is also a fact, that they have not so good an opportunity of surprising and taking pirates, for they advance so gradually that information of their approach is easily conveyed ahead, either by telegraph or otherwise.

A vessel bound on a cruise off the east end of Cuba, or to Porto Rico, must sail either by way of Cape Antonio, and beat up the south side of Cuba, or through the old Bahama Straits, or by the Hole-in-the-Wall, through the Providence channel, or else round the Mattanilla reef, north of the Little Bahama bank. By either of these routes she has to work directly to windward, and although the distance through the Bahama Straits seems shortest, yet it is the most dangerous and most tedious.

The following statement is made from a reference to the chart, which shows the degrees of latitude and longitude which, in the several routes before stated, must be sailed before you can reach the east end of Cuba, after leaving Key West, and also the degrees after leaving Charleston, to gain one of the windward passages, say Mayaguana:

From Key West to Cape Maize, by way of Cape Antonio, lat. 4 deg. 16 min., lon. 13 deg. 50 min.; from Key West, by way of the gulf, round Mattanilla reef, passing north as far as lat. 29 deg., lat. 11 deg., lon. 8 deg. 54 min., Old Bahama Straits.

NOTE.—Frequent calms oblige your anchoring, as well as the danger of running, in dark nights, among the numerous shoals and reefs, lat. 4 deg. lon. 8 deg.

From Charleston, S. C., to Mayaguana Island, one of the passages into the West Indies which enables you to bring either the west end of St. Domingo, or the east end of Cuba, as you may please, lat. 10 deg. 14 min., lon. 5 deg. 34 min.

Thus it appears that a vessel will have to sail but 10 deg. 14 min. of latitude and 5 deg. 34 min. of longitude, to place herself in a favorable position to make any point of cruising ground about the eastern part of Cuba.

Vessels returning from their cruise, touching at Havana or Matanzas for convoy, and carrying them through the gulf past the Bahamas, are again within two days' sail of Charleston, when, if in want of provisions, they can leave the convoy and put in for it, or stand again to the southeast for the weather passages, to pursue their duties as before, as they will derive the benefit of the variable winds to enable them to get to the eastward again, after passing the Bahamas.

After a sea voyage, men require fresh meats and vegetables, good water, etc., and some relaxation from the toils of the sea. Key West affords none of these.

We hope the above considerations will have their due weight. They have not been submitted without the best reflection and the soundest authority. If they be true, as it is believed, they leave to the government a very obvious course, which is to substitute Charleston as a naval rendezvous in the place of Key West.

19TH CONGRESS.] **No. 280.** [1ST SESSION.

ON CLAIM OF NATHANIEL BOSTICK, A SOLDIER OF FORT BOWYER, FOR PRIZE MONEY, ON THE CAPTURE OF A SLOOP-OF-WAR BELONGING TO THE BRITISH NAVY, IN THE WAR OF 1812-'15.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 23, 1826.

Mr. STORRS, from the Committee on Naval Affairs, to whom was referred the petition of Nathaniel Bostick, reported:

That the petitioner claims that he is entitled to receive a share of prize money, as one of the captors of the sloop-of-war Hermes, during the late war with Great Britain, and he prays that Congress would make some legislative provision to enable him to receive the same. The letter of the Third Auditor of

the Treasury Department, herewith submitted, shows that, under the act of Congress of the 5th of March, 1816, the petitioner, on establishing his right to such prize money, as one of the captors of the said vessel, according to the regulations of that Department, can receive the same without any legislative provision on his behalf. The committee, therefore, recommend to the House the following resolution:

Resolved, That the petitioner have leave to withdraw his petition.

TREASURY DEPARTMENT, *Third Auditor's Office, January* 17, 1826.

SIR: I have the honor to acknowledge the receipt of your letter of the 16th inst., enclosing the petition of Nathaniel Bostwick, for his share of the prize money in the case of the sloop-of-war Hermes, captured during the late war, by the garrison of Fort Bowyer, asking me to state why legislative aid was necessary prior to its payment, and to furnish you with any information on the subject in my power. In reply, I have to state that the whole amount ascertained to be due to the captors, under the act of Congress of the 5th of March, 1816, was, by the acting Secretary of War, in May, 1817, placed in the hands of Micajah Crupper, then an officer of the army, to proceed to the section of country where the troops were then stationed, to make the payments to them individually. This was done; but a number of the soldiers had been discharged and left the place, and consequently were not paid. The petitioner, it is presumed, was one of them. The officer, on settlement, failed to account for the balance in his hands; and, consequently, when application was made at this office in behalf of the petitioner, payment could not be made for want of funds, the appropriation having been exhausted. Since then, however, a small amount has been recovered, from the person to whom the money was originally advanced, and the present claim can be discharged on the production of the necessary evidence, without legislative interference; but there are other claims which may make it necessary to appropriate, in anticipation of future recoveries, a small amount, say five hundred dollars.

With great respect, your obedient servant, PETER HAGNER, *Auditor.*

The Hon. H. R. STORRS, *Chairman, &c., &c., House of Representatives.*

19TH CONGRESS.] No. 281. [1ST SESSION.

ON THE CLAIM OF MRS. SUSAN DECATUR, WIDOW OF COMMODORE STEPHEN DECATUR, FOR PRIZE MONEY, FOR THE CAPTURE AND DESTRUCTION OF THE FRIGATE PHILADELPHIA, AT ALGIERS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 24, 1826.

Mr. HOLCOMBE, from the Committee on Naval Affairs, to whom was referred the memorial and petition of Susan Decatur, widow and sole representative of Stephen Decatur, Esquire, late a captain in the navy of the United States, in behalf of herself and of the officers and crew of the United States ketch Intrepid, reported:

That, on the night of the 16th of February, 1804, the late Stephen Decatur, then a lieutenant in the navy of the United States, entered the harbor of Tripoli, in a small ketch called the Intrepid, boarded, captured, and destroyed the Tripolitan frigate, late the United States frigate, Philadelphia, and retreated from the presence of his astonished and panic-stricken enemy, unpursued, and without the loss of a single man.

The official details of this splendid achievement, the committee believe, are so familiar, both to the House and to the nation, that they consider it unnecessary at this time to particularize them. There are, however, some facts connected with it, which, in the lapse of twenty-two years, have doubtless been obliterated from the recollection of many, but which are so illustrative of its extraordinary gallantry and results, that the committee beg leave, very briefly, to call the attention of the House to them.

The Philadelphia, a frigate of fifty guns, was moored in the harbor of Tripoli, within pistol-shot distance of the whole of the Tripolitan marine, mounting altogether upwards of a hundred cannon, and within the immediate protection of the following formidable batteries: Fort English, Fort America, and other batteries, mounting 50 cannon; Fort Way, the Molehead, and other batteries, mounting 65 cannon; making an aggregate of one hundred and fifteen pieces of heavy artillery. Besides this force, there were encamped at the time, in the city and its vicinity, twenty thousand soldiers, and, attached to the fleet and in the harbor, upwards of a thousand seamen. The frigate, also, was ready for sea, and fully prepared for an obstinate defence. But in despite of this most formidable, and to ordinary minds appalling force, Lieutenant Decatur, at the head of seventy American seamen, taken without selection from his own ship, (for the whole fleet had volunteered for the service,) with a fearlessness and skill which are above all commendation, entered the harbor of Tripoli, attacked, boarded, and carried his enemy, with the same coolness and celerity as if she had been anchored in an open roadstead, and undefended by a single piece of artillery.

Heroism among seamen is a virtue of neither rare nor unexpected occurrence. The annals of every maritime nation, on the contrary, abound with details of bold adventure and gallant actions. And the history of our own marine, brief, but glorious as it is, represents an unbroken series of heroic enterprises, resulting for the most part in signal victories. But the committee, without attempting to institute a comparison between this and any other action, (which the very nature of our naval victories, they are proud to say, precludes the possibility,) or attempting to disparage in the remotest degree the merits of others, would observe, that the destruction of the Philadelphia, when all the circumstances associated with it are taken into consideration, is, at least, unsurpassed by any nautical achievement—an achieve-

ment equally admirable for the chivalry of its conception, and the brilliant and decisive manner of its execution.

The destruction of the Philadelphia, the committee would further observe, was not more glorious to our arms, than advantageous to us in all our subsequent negotiations with the Barbary powers. An exploit so novel and extraordinary could not fail to impress vividly the fears, as well as the imagination and memory of the Mahometan. And so permanent and peculiar has this impression been, that during the late infraction of the Algerine treaty, the name and presence of the destroyer of the Philadelphia, with a small squadron of frigates, effected more in a single hour than Lord Exmouth, at the head of a formidable fleet, and after two bloody victories, was ever able to accomplish.

For this signal service, (of incalculable benefit to us, as far as the treasury alone is concerned) the gallant commander and crew of the Intrepid have, as yet, received from their country nothing in the form of remuneration, further than what is embraced by the following resolution, passed by Congress, November 27, 1804:

Resolved, by the Senate and House of Representatives, &c., That the President of the United States be requested to present, in the name of Congress, to Captain Stephen Decatur, a sword, and to each of the officers and crew of the United States ketch Intrepid two months' pay, as a testimony of the high sense entertained by Congress of the gallantry, good conduct, and services of Captain Decatur, the officers, and crew of said ketch in attacking, in the harbor of Tripoli, and destroying, a Tripolitan frigate of 44 guns.

Lieutenant Decatur probably accepted the sword voted him; but the officers, it is understood, with feelings becoming officers, unanimously declined the *bounty* of Congress.

If the policy of the government be to stimulate and encourage the gallantry and good conduct of its marine by suitable rewards, the present case, in the opinion of the committee, presents the strongest appeal to the justice and generosity of Congress. For "if skill and gallantry, (to use the language of the able and eloquent memorial submitted to the committee, and to which the House is referred for such further facts and illustrations of the accompanying bill as may be required,) if enterprise and heroism, are ever entitled to commendation and reward, where have they been more signally exhibited? If to have maintained the honor of the country, and added splendor to the standard, create claims upon a nation, where have any of a higher character been presented?"

The committee, although aware of the full force of this appeal, and furthermore, that, by usage and precedent, (independently of the extraordinary merit of the achievement,) the memorialists are justly entitled to a liberal remuneration from Congress, yet they would avail themselves of this opportunity to disavow, distinctly, the principle, that the captors of the public ships of the enemy have any *right*, expressed or understood, for such remuneration, further than what has been established by law.

The love of country, it is believed, and the desire for distinction, will always prove a sufficient stimulus to gallant and patriotic men to do their duty, and even to transcend it, whenever opportunities may offer. A liberal and enlightened government, however, will always make a distinction between ordinary services (such as occur in the common line of duty) and those perilous enterprises which are conceived, planned, and executed by volunteers alone, of which the present is an illustrious example. And inasmuch as Congress in every case (with this sole exception) has awarded some substantial pecuniary donation, in the shape of a reward, for the ships of the enemy captured and destroyed at sea, the committee cannot perceive upon what principle it can be withheld in this, one of the earliest, and certainly not the least important, of our naval victories.

Before closing their report, the committee would respectfully call the attention of the House to a brief recapitulation of some of the important public benefits which, in their opinion, have resulted from the capture and destruction of the Philadelphia.

It enlisted public opinion in favor of the navy, which, until that moment, had been cold and indifferent, if not hostile to it.

It stimulated powerfully that spirit of enterprise and love of glory so natural to our seamen, which have since been so signally displayed in repeated triumphs upon the favorite element of the enemy, during the late war.

It relieved us (in connection with those desperate conflicts upon the same theatre, in all of which Lieutenant Decatur was pre-eminently distinguished) from the thraldom and ignominy of a tributary peace; by impressing, not Tripoli alone, but the whole of the Barbary States, with a sense of our prowess and enterprise, which has continued vivid and unimpaired to the present moment; and which has served effectually to protect our flag and commerce from insult and violation throughout the long interval of peace which has succeeded.

And finally, it contributed largely to our stock of national glory, which, in the language of a distinguished modern statesman, is above all price, and, to young and popular governments, the richest of all acquisitions.

With such views, and after a full and dispassionate examination of the memorial and petition submitted to them, the committee report the accompanying bill.

To the Senate and House of Representatives of the United States, in Congress assembled:

The memorial and petition of Susan Decatur, widow and sole representative of Stephen Decatur, Esq., deceased, late a captain in the navy of the United States, in behalf of herself and of the officers and crew of the United States ketch Intrepid.

Your memorialist and petitioner most respectfully shows unto your honorable bodies that, on the night of the 16th of February, 1804, the late Captain Stephen Decatur, then a lieutenant in the navy of the United States, the volunteer commander of a volunteer crew, on board a small ketch, entered the harbor of Tripoli, boarded, captured and destroyed a frigate of the largest class, belonging to the enemy, and succeeded in effecting his retreat from this perilous enterprise without the loss of a single man. For this gallant and most distinguished achievement, planned and executed with consummate courage and skill, redounding equally to the national glory and advantage, your petitioner most respectfully solicits that Congress would be pleased to award that compensation which has been so liberally bestowed in other cases.

The grounds upon which this application rests are numerous and weighty. On ordinary occasions it might wear the appearance of vain-glorious boasting for the petitioners to Congress to descant upon the value of those services for which they ask a remuneration. No such imputation can exist on the present occasion. Your memorialist, in recapitulating some of the circumstances which accompanied, and some of the benefits that resulted from this exploit, is but performing a sacred duty, hallowed by every feeling which can attract, regard, or awaken sympathy. She confidently trusts, therefore, that such a recapitulation will be received with pardon if not with favor, and that she may be indulged in a feeble effort to bring before the recollection of the representatives of the nation circumstances which length of time may have obliterated from the minds of many, and in detailing some facts which have, perhaps, never been fully presented to more than a few.

This hazardous and important enterprise was originally conceived and planned by the same individual who executed it. Young and ardent, devoted to the cause of his country, ambitious of distinction, zealous for the reputation of the navy, Lieutenant Decatur proposed a plan, for the capture of the Philadelphia, to his commanding officer, and volunteered his services in carrying it into execution. Nothing but the vehemence with which he pressed his suit, a perfect confidence in his judgment, skill and courage, and a just estimate of the vast importance of the end to be attained, could have extorted from the prudent caution of Commodore Preble his sanction to this daring enterprise. Accompanied with about seventy volunteers, after encountering numerous obstacles, all which were surmounted or avoided with consummate dexterity and promptitude, the frigate, fully manned, equipped, and prepared for action, was boarded and carried. Full and undisputed possession was obtained. Peremptory orders had, however, been given to destroy the vessel, and the gallant victors were precluded from an attempt to bring her out of the harbor, which might, in all probability, have been accomplished. It only remained to obey these directions, and to retreat from the scene of action. Surrounded by an exasperated but disheartened enemy, this was performed, and the laurels which had been won shone greener and brighter, not having cost the life of one of the gallant adventurers. No alloy mingled with the feelings of exultation which this successful enterprise excited.

In searching the history of the brilliant achievements of our navy, where will one be found superior, if equal, in the exhibition of all those characteristics which command our admiration? If skill and gallantry, if enterprise and heroism, are ever entitled to commendation or reward, where have they been more signally exhibited? If to have maintained the honor of the country, and added splendor to her standard, create claims upon a nation, when were any of higher character presented?

On the other hand, it may, without the apprehension of being justly charged with exaggeration, be asserted that it has rarely occurred that any one achievement has been productive of results so advantageous to a nation. At the period when this enterprise was projected, the American force in the Mediterranean was not numerically superior to that of the enemy. They had been animated by their success in capturing one of the finest frigates in our service, with its gallant commander and crew. By this unfortunate accident their force had been augmented in the same ratio in which ours was diminished. The capture of the Philadelphia was justly deemed by Commodore Preble absolutely necessary to favor his intended operations.

Our commerce in the Mediterranean was in a great measure exposed to the depredations of these freebooters; and capture was not only attended by the utter loss of property, but succeeded by the hopeless and cruel slavery imposed upon the unfortunate prisoners. Captain Bainbridge and his associates had been languishing in captivity, and the Bey of Tripoli, elated with his good fortune, haughtily demanded, as his conditions of peace, a full indemnity for all the expenses of the war, and the exorbitant sum of $200,000 as a ransom for the prisoners in his hands. So powerful was the sympathy excited in favor of these meritorious sufferers, whom fortune had thrown into this hopeless state, that no sacrifice would not willingly have been endured for their rescue, save that which might involve a compromise of the national honor. On the capture of the Philadelphia, followed up by the bombardment of their town, an operation which could not have been attemped until the former had been accomplished, the tone of haughty exultation which the barbarians had held subsided, and they willingly and speedily submitted to the fair and equitable terms which we proposed. A regular exchange of prisoners was agreed upon, and the sum of $60,000 paid to Tripoli for the surplus in their hands. In a pecuniary point of view alone, who can fully estimate the value of this exploit? As leading to the relief of our gallant countrymen from galling slavery, who can overrate it?

Nor is this all. Alarmed at the exhibition of daring and adventurous courage which had been manifested, they negotiated for peace, in the spirit of peace; and since that period, the recollection of the name and exploit of Decatur and his associates has preserved, throughout the Mediterranean, our flag from violation, our commerce from outrage, and our citizens from an odious slavery. The United States has thenceforward been relieved from the humiliating conditions imposed as the terms of peace upon every other maritime country; and the American name commands, to this day, more respect and deference than the proudest navies of Europe can enforce. The beneficial effects of this brilliant achievement were again apparent when the small squadron, under the same leader, compelled the government of Algiers to submit to terms which the enormous force and bloody operations of Lord Exmouth's fleet failed to extort.

To Decatur and his companions is the nation indebted for all these advantages. To this period may it exultingly recur for one of its proudest trophies. To it may our now distinguished navy look, as that in which its character became established, and its merits known both to friends and foes. Then were exhibited the early indications of those features which, since expanded and strengthened, have distinguished the American naval character in more recent exploits.

For all these services, little more than an honorary compensation has ever been awarded; and that little has not been paid. The gallant crew declined to receive the two months' pay which Congress had decreed them. On other occasions, and, without the slightest disposition to disparage them, may it not be said, in every respect for inferior services, Congress has granted some substantial tokens of its approbation and regard. This, among the first and brightest, has remained almost unnoticed.

It is not, however, simply as a gratuity that this claim is now preferred. The frigate had been carried, was in the undisputed possession of the captors, who, in obedience to peremptory orders, relinquished every attempt to bring her out of port, and consigned her reluctantly to the flames, with the full conviction on their part, sanctioned by the authority of the commander-in-chief, that this measure, directed by considerations of a public nature, would neither invalidate nor in any degree

diminish the claim sanctioned by law, to compensation to the full value of the vessel and her equipments.

Various reasons have existed to prevent this claim from being preferred at an earlier period. The lofty spirit which projected and achieved the exploit felt reluctant to remind his country of services which it had forgotten, or to estimate them higher than it had rated them. He was averse to urge a claim for services which he thought his country, if it duly appreciated them, would spontaneously remunerate. During the recent war with England, when he saw other actions rewarded, and other services of a similar character compensated, he was aware that all the pecuniary resources of the nation were required for present purposes; and he disdained to ask, from the almost exhausted treasury, that which could not with propriety be diverted from immediate objects. With these feelings he postponed, till a more suitable period, preferring the present claim. And he has bequeathed to your petitioner the duty of presenting to your honorable bodies this application, as his representative and that of his associates.

Your memorialist would respectfully submit to your honorable bodies the written opinions of two professional gentlemen of the District, (Mr. Jones and Mr. Coxe,) upon the legal question to which she has referred in a preceding part of this memorial.

SUSAN DECATUR.

DECEMBER 19, 1825.

19TH CONGRESS.] No. 282. [1ST SESSION.

ON THE SUBJECT OF THE COURT-MARTIAL, COURT OF INQUIRY, AND CORRESPONDENCE RELATING TO THE COURSE OF COMMODORE DAVID PORTER IN SUPPRESSING PIRACY IN THE WEST INDIES.

COMMUNICATED TO THE SENATE JANUARY 24, 1826.

Mr. HAYNE, from the Committee on Naval Affairs, to whom was referred a letter from Captain David Porter, of the United States navy, requesting an investigation of charges contained in communications from Thomas Randall and John Mountain; and to whom was also referred a letter from Thomas Randall, on the same subject, together with a communication from the Secretary of the Navy, covering the proceedings of the court of inquiry and court-martial in relation to Captain Porter, reported:

That they have had these several communications under consideration, and find nothing in the character of the transactions to which they relate that requires the interference of this House.

It appears that the case of Captain Porter has been submitted to the proper tribunals; and the committee do not feel themselves warranted in forming any opinion unfavorable to their decisions, or indulging any impression that their proceedings require revision. The committee consider it due alike to the preservation of a proper discipline, and to the reputation of our officers, that appeals should not be encouraged from the decisions of the military courts. Under this view of the subject, and seeing no satisfactory reason for interposing the authority of the House in matters which have been fully settled by the competent authorities, the committee ask leave to be discharged from the further consideration of the subject.

IN SENATE, *January* 23, 1826.

On motion by Mr. DICKERSON,

The Senate resumed the consideration of the report of the Committee on Naval Affairs, on the letters from Captain D. Porter and Thomas Randall, and the communication from the Secretary of the Navy, with the proceedings of the court of inquiry and court-martial in relation to Captain Porter; and,

On motion by Mr. DICKERSON,

Resolved, That the report be recommitted to the Committee on Naval Affairs, with instructions to amend the same by striking out the following: "It appears that the case of Captain Porter has been submitted to the proper tribunals, and the committee do not feel themselves warranted in forming any opinion unfavorable to their decision, or indulging any impression that their proceedings require revision. The committee consider it due alike to the preservation of a proper discipline, and to the reputation of our officers, that appeals should not be encouraged from the decisions of the military courts. Under this view of the subject, and seeing no satisfactory reason for interposing the authority of the House in matters which have been finally settled by the competent authorities, the committee ask leave to be discharged from the further consideration of the subject."

IN SENATE, *January* 24, 1826.

Mr. HAYNE, from the Committee on Naval Affairs, to whom was recommitted the letters from Captain D. Porter and T. Randall, and the communication from the Secretary of the Navy, with the proceedings of the court of inquiry and court-martial in relation to Captain Porter, reported:

That they have had these several communications under consideration, and find nothing in the character of the transactions to which they relate that requires the interference of this House. The committee ask leave to be discharged from the further consideration of the subjects. The report was read, and in concurrence therewith,

Resolved, That the committee be discharged from the further consideration of the subject.

19TH CONGRESS.] No. 283. [1ST SESSION.

PROCEEDINGS OF COURTS-MARTIAL, CORRESPONDENCE, ETC., RELATING TO THE CONDUCT OF COMMODORE CHARLES STEWART, ON THE PACIFIC STATION, AND OF THAT OF LIEUTENANTS JOSHUA R. SANDS AND WILLIAM M. HUNTER.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 25, 1826.

WASHINGTON, *January* 24, 1826.

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives, of the 12th of December last, I transmit herewith a report from the Secretary of the Navy, with the documents and proceedings of the naval courts-martial in the cases of Captain Charles Stewart, and of Lieutenants Joshua R. Sands and William M. Hunter.

JOHN QUINCY ADAMS.

NAVY DEPARTMENT, *January* 20, 1826.

SIR: In answer to the resolution of the House of Representatives, of the 12th December last, "that the President of the United States be requested to communicate to this House (if not incompatible with the public interest) the documents and proceedings of the naval court-martial in the case of Captain Charles Stewart; also the documents and proceedings of the naval courts-martial in the cases of Lieutenants Joshua R. Sands and William M. Hunter," I have the honor to transmit to you, herewith, copies of the documents and proceedings specified in the said resolution.

I have the honor to be, very respectfully, your obedient servant,

SAM'L L. SOUTHARD.

PRESIDENT *of the United States.*

PHILADELPHIA, *October* 24, 1824.

SIR: Understanding, from the Hon. Secretary of State, that several complaints have been exhibited to the Executive government against me by the authorities and others in South America, touching my conduct while in command of the naval forces in the Pacific, may I ask the favor that you will please to cause copies of such complaints to be transmitted to me, if not inconsistent with the regulations and course of the Department.

I have the honor to remain, very respectfully, sir, your most obedient servant,

(Signed) C. STEWART.

To the Hon. SAMUEL L. SOUTHARD, *Secretary of the Navy, Washington.*

NAVY DEPARTMENT, *November* 16, 1824.

SIR: You have been already apprised that the government of Peru has made complaints against a part of your official conduct, while in the command of the squadron in the Pacific ocean, and that these complaints have been seconded by public rumor, and confirmed by the agent of our government in that country. I have, also, to inform you that other complaints have been made, though in a less imposing form.

Under these circumstances, an official investigation is considered necessary; and you would have earlier received this written notice of it, if you had not been expected in this place, and if it had not been thought that you would yourself have demanded it.

It is intended that the investigation be made before the court-martial lately ordered to assemble in New York; and, that you may be immediately apprised of the points which are believed to require examination, I enclose a paper containing them, in the form of charges. Some of these will probably be erased, and others somewhat varied; but you will, in a few days, receive them in due form.

The witnesses who will be called to substantiate the charges are principally the officers of the Franklin, Dolphin, and Peruano. Should the means of your defence be within the control of this Department, they shall be promptly afforded to you; and, I assure you, while the investigation will be rendered particular, full, and rigid, a strong hope and anxious desire will be felt that your defence may ensure to you such an acquittal as will comport with your own high character and the honor of the service.

I have not sent to you copies of any of the communications requested by your letter of the 24th October last, because they are very long, and comprise a variety of other matters; because it is not believed that any of them will be used as competent evidence on the trial; and because the enclosed paper will furnish you with all the charges which they contain. Should a change take place in the views of the Department on the subject, or should you still desire copies of any particular ones, they shall be furnished as speedily as possible.

I am, very respectfully, sir, your most obedient servant,

SAM'L L. SOUTHARD.

Capt. CHARLES STEWART, *U. S. Navy, New York.*

NEW YORK, *November* 25, 1824.

SIR: I have had the honor to receive your letter, dated the 16th instant, with its enclosure, the heads of complaints exhibited against me, in the form of charges and specifications.

I receive with thanks this first intimation on this subject, in reply to my letter, addressed to you on the 24th ultimo. It was not desirable to me to augment the trouble of the Department, or intended as such, by my application of the 24th of last month for copies of the dispatches *in extenso;* extracts of the allegations, with the dates, and the periods of their receipt, appeared to me as important, prior to my forming any decision on the propriety or impropriety of asking a court for their investigation, or in any way interfering with the course or views of the government.

These complaints, (some of which are of two or three years' standing,) alleged to have been committed in very distant seas, calling for witnesses still there, and documentary evidence existing only in that country and under the control of a foreign government and people, appears to me to require much more time to procure, for my defence, than the period of the session of the court-martial now assembled will afford for the purpose. I have deemed it proper thus to lay before you these views of the subject, in hopes that the suggestions cannot but appear to you in the same light; and, as the object of all parties concerned can be no other than truth and justice, that you will perceive the propriety of suspending the further proceedings in this case until I can be enabled to proceed to Washington, on the termination of my duty here as a witness on the present trials.

It was my intention to have presented myself there, agreeably to your expectation; but, being under the necessity of coming to this place the day after I had the pleasure of seeing you in Philadelphia, for the purpose of meeting my family on their return from Boston, I was so long delayed by their detention there, and the expectation of the immediate investigation of Lieut. Weaver's case, in which I was a witness, that I found it useless, in point of time, to proceed, after I got as far as Philadelphia.

In hopes I shall receive your determination as soon as possible,

I have the honor to remain, very respectfully, &c.,

(Signed) CHARLES STEWART.

The Hon. SAM'L L. SOUTHARD, *Secretary of the Navy, Washington.*

NAVY DEPARTMENT, *November* 29, 1824.

SIR: Your letter, dated the 25th instant, has been received. It is very much to be regretted that any circumstance should prevent an immediate decision in your case. It is of great importance to the public interest that it be as little delayed as possible; but the reason which you assign for a postponement is such as cannot be disregarded. You will, therefore, understand that your request is granted, and your trial will not take place before the court-martial now sitting, but as speedily thereafter as the evidence can be procured; and it will be expected of you to use all possible diligence in the preparation. Any documents within the control of the Department, necessary for your defence, will be promptly afforded, upon your application.

You will, from the receipt of this letter, consider yourself as suspended from duty until your trial has taken place; but no particular limits are assigned to you, other than those of the Union, as it is supposed you will require entire liberty in the preparation of the evidence for your trial.

Some alteration will probably be made in the charges against you, of which you will, in a short time, be apprised.

I am, very respectfully, &c.,

(Signed) SAM'L L. SOUTHARD.

Capt. CHARLES STEWART, *U. S. Navy, New York.*

To James Barron, Esq., captain in the navy of the United States:

Certain charges of misconduct having been alleged against Charles Stewart, Esq., captain in the navy of the United States, and others, a general court-martial, to consist of Captain James Barron, president; Captains Wm. M. Crane, Robert T. Spence, John D. Henley, Jesse D. Elliott, Stephen Cassin, James Renshaw, Thomas Brown, Charles C. B. Thompson, Alex. S. Wadsworth, George W. Rodgers, and George C. Read, members, or any five or more of them, is hereby authorized and ordered to assemble at the city of Washington, in the building on First street east and the corner of Maryland avenue, formerly occupied by the Congress of the United States, on Thursday, the eighteenth day of August, for the trial of the said Captain Charles Stewart and others, for the offences with which they do severally stand charged; which charges, together with the testimony in their support, will be laid before the court by the judge advocate.

Richard S. Coxe, Esq., is appointed judge advocate to the court hereby ordered to assemble; and if he should decline acting, the said court will appoint such other suitable gentleman, learned in the law, to discharge the duties of judge advocate to the said court, as they, or a majority of them, may, in their wisdom, deem fit and proper.

In faith of which, I have hereunto signed my name and affixed the seal of the Navy Department of the United States, this seventeenth day of August, in the year of our Lord one [SEAL.] thousand eight hundred and twenty-five, and of the independence of the United States the fiftieth.

(Signed) SAM'L L. SOUTHARD.

Charges and specifications against Charles Stewart, Esq., a captain in the navy of the United States.

CHARGE FIRST.—UNOFFICER-LIKE CONDUCT.

Specification first. In aiding and assisting, during the months of May, June and July, in the year 1822, an American ship called the Canton, an American ship called the Pearl, an English brig called the Sarah, and a French ship called the Telegraph, and other vessels, in carrying on an illicit and contraband trade with certain ports in Peru called the Intermedios; aiding and assisting said vessels in violating the laws and decrees of the existing government of Peru; and in transporting and landing arms, military stores and other contraband articles; and in protecting the said vessels from the consequences of such illegal traffic, by employing or threatening to employ the naval forces of the United States in their defence.

Specification second. In sailing with the United States ship the Franklin, then under the command of the said Charles Stewart, in the months of June and July, 1822, to the said ports called the Intermedios, for the purpose of aiding in private and illicit traffic, and with a view to the private emolument of the said Charles Stewart.

Specification third. In employing, on or about the eleventh day of July, 1822, the naval force of the United States under his command in preventing the commander of the Peruvian brig Balgrano from enforcing the laws and instructions of his government, by taking, and sending in for adjudication, an American ship called the Canton, detected in carrying on an illicit trade to the injury of said government; and in being concerned in the pecuniary profits of said illicit voyages and transactions of the aforesaid ship, the Canton.

Specification fourth. In transporting or causing to be transported on board the United States schooner, the Dolphin, on or about the sixth day of May, 1822, one Eliphalet Smith, with goods and merchandise for sale on private account, and permitting said Smith to carry his own private goods and merchandise, and samples of goods not designed for the use of the said schooner Dolphin, on board the said schooner, under the protection of the flag of the United States, to certain ports, viz.: Arica, Quilca, and others of the Intermedios, and to employ a national vessel of the United States as a place for the said Smith to sell and display for sale such his goods, when such traffic was in itself illegal and contraband, and such conduct tended to the disgrace of the navy of the United States.

Specification fifth. In employing in the month of August, 1822, and at other periods in that year, the schooners Peruvian and Waterwitch, then in the service of the United States, in traffic and carrying merchandise on private account.

Specification sixth. In lending aid and countenance to the violators of the revenue laws of the government of Peru, at various times between the arrival of the ship Franklin in the Pacific in the month of February, 1822, and her departure from thence in 1824, by permitting and aiding sundry persons in carrying off from the shore coin, bullion, plata pina, and other articles, contrary to the laws of said government, without the permission, authority or knowledge of the custom house officers and local authorities, and to deposit the said articles so smuggled on board the public vessels of the United States, then under the command of the said Charles Stewart.

Specification seventh. In permitting, at various times within the periods mentioned in the foregoing specification, specie, bullion, plata pina and other articles, designed to be transported from Peru in violation of the laws of that country, clandestinely, at night, to be brought on board the public vessels of the United States, then under his command, and in transporting said articles in the boats of the said public vessels, at sea, and out of the control and reach of the authorities on shore, to certain vessels bound to distant ports, after such vessels had undergone the examination of the custom house officers; such transportation being without the authority, permission or knowledge of said officers, but designed as a fraud upon and an invasion of the laws of the government of Peru.

Specification eighth. In assisting at the times mentioned in the last preceding specification, with the armed force under his command, in defending and protecting persons and property, engaged in smuggling, from arrest and detention by the lawful authorities of the government of Peru.

Specification ninth. In affording, at various times during the period mentioned in the last preceding specification, protection and aid of an extraordinary and illegal kind to the Canton and other vessels in the business of which he the said Charles Stewart and Eliphalet Smith were interested, to the neglect of other vessels engaged in a lawful commerce, to which he was in duty bound to afford protection, but in the profits of which they had no participation.

Specification tenth. In purchasing from the said ship the Canton, at Valparaiso, in the month of April, 1822, among other articles 90 bolts of canvas, 25½ casks of wine, 335 lbs. copper nails, paints, oils, &c., ostensibly for the use of the Franklin, when such articles were not necessary for said vessel, and in fact were not employed or consumed in her, and when the said ship the Franklin had been amply provided with such of the said articles as were necessary for her use.

Specification eleventh. In employing or causing to be employed on various occasions, at Valparaiso and elsewhere in the ports of the Pacific, during the year 1822, carpenters and other persons attached to the Franklin, and receiving pay from the United States, in working on board the Canton, Wasp, and other private vessels, without any proper or adequate reason, and without any compensation to the individuals thus employed.

Specification twelfth. In receiving on board the Franklin one Captain Eliphalet Smith, and permitting him to remain there for nearly a year, engaged in private traffic, and employing the naval forces of the United States in subservience to the views of said Smith.

Specification thirteenth. In employing the said Eliphalet Smith to carry dispatches, board vessels, and perform other duties which ought to have been executed by the officers in the service of the government, for the purpose of affording him, the said Smith, facilities in the prosecution of his private concerns.

Specification fourteenth. In permitting the cargo or part of the cargo of the Canton, some time in August, 1822, to be shipped on board the Peruviana, then in tow of the Franklin, and ostensibly a public vessel; and in receiving or permitting to be received and carried on board the Franklin the supercargo of the Canton, and samples of the goods thus put on board the Peruviana, for the purpose of furthering the sale of the said cargo.

Specification fifteenth. In receiving and permitting to remain on board the Franklin, for a long period of time in the year 1822, one Captain John O'Sullivan, the commander, and one Ward, supercargo,

of the Canton, for the purpose of aiding them in their private traffic; thus making the national vessels and flag subservient to individual interests.

Specification sixteenth. In taking on board and carrying in the Franklin from Valparaiso to Quilca, in or about the month of March, 1823, horses, with their equipments, for the use of General Canterac, or some other royalist general, thus furnishing aid and assistance to the one party in a military contest, in violation of the duties of a neutral officer.

Specification seventeenth. In employing the crews of the public vessels of the United States, and articles paid for by the government, for the use of said public vessels, in building and equipping three small schooners which were not required for the public service, and which did not and do not belong to the government.

Specification eighteenth. In permitting or causing to be made by the crew of the Franklin and other public vessels, out of the materials which had been purchased for the service of the government, sails, &c., for the use of the private ship the Canton, in the month of August or September, 1822.

Specification nineteenth. In permitting or causing the Dolphin, a vessel of the United States, to carry from Callao to Guayaquil, in or about the month of September, 1822, money, sails, &c., for the purpose of placing them on board the Canton.

Specification twentieth. In permitting William A. Weaver, then a lieutenant in the navy of the United States, and borne on the books of the said ship Franklin, to absent himself from said vessel and from his duties on board, during the entire cruise of said ship, from the month of September, 1821, until the arrival of the Franklin within the United States, in the month of August, 1824, without any necessity or excuse of a public nature.

Specification twenty-first. In approving the muster rolls of the Franklin, wherein it was made to appear that the said William A. Weaver was actually on board said ship, and performing the duties of a lieutenant on board, from the commencement of said cruise up to December 31, 1823; whereas he, the said Charles Stewart, well knew the said Weaver to be absent from said vessel, engaged in his own private concerns, during the whole of said period.

Specification twenty-second. In directing and causing the purser of said ship, the Franklin, to transmit to the Navy Department false and erroneous transcripts from the muster rolls of said ship; by such false and erroneous transcripts representing to the Navy Department that he, the said William A. Weaver, was absent from the said vessel in charge of stores at Callao, when in fact no such entry was ever made in the original muster roll, and when he, the said Charles Stewart, well knew that he, the said Weaver, was not at Callao, and also that there were no public stores at Callao of which he could be in charge.

Specification twenty-third. In causing the purser of the said ship, the Franklin, to enter on the muster roll of said vessel, on or about the 16th of November, 1824, that he, the said William A. Weaver, was absent from said ship without leave from the first of August, 1822; whereas he, the said Charles Stewart, had approved the muster roll of said vessel, by which it was made to appear that the said Weaver was actually on board up to December 31, 1823.

Specification twenty-fourth. In permitting the purser of the said ship, the Franklin, at the port of Arica, in June, 1822, to send on shore for sale large quantities of clothing and other articles brought out in the said ship for the use of the officers, by which means, when those articles were required, it became impossible for the officers to procure them from the purser.

Specification twenty-fifth. In sending or causing to be sent at various times in 1822 and 1823, on board the Canton, a large number of musket cartridges and other military stores belonging to the government, which said articles were entered on the books of the Franklin as expended in that vessel in the regular course of public service.

Specification twenty-sixth. In sending or causing or permiting to be sent on board the said ship, the Canton, on or about the 26th day of July, 1822, several articles from the carpenter's department, of which no entry was made on the books of the Franklin.

Specification twenty-seventh. In causing or permiting to be used a large number of hoops and other materials belonging to the government, and the crew of the Franklin and other vessels under his command to be occupied in making kegs to hold specie, &c., deposited on board said vessels, and not accounting to the government for the money charged to and received from the owners of said specie, &c., on account of said kegs.

Specification twenty-eighth. In sending or causing or permiting to be sent on board the Canton, for the use of said private vessel, on or about the 26th of October, 1822, sails, canvas and other articles belonging to the government.

Specification twenty-ninth. In permitting to be taken from the public stores, in the month of September, 1822, in April and November, 1823, and in January, 1824, and at divers other times, saws, copper nails, iron nails, iron spikes, iron and ammunition, and given or sold on private account, without rendering a faithful and true account thereof to the government.

CHARGE SECOND—DISOBEDIENCE OF ORDERS.

Specification first. For that in express violation of his instructions from the honorable the Secretary of the Navy, dated the 8th day of September, 1821, he, the said Charles Stewart, in the year 1822, then commanding the United States ship Franklin, did aid and assist an American ship called the Canton, an American ship called the Pearl, an English brig called the Sarah, and a French ship called the Telegraph, in carrying on an illicit and contraband trade with certain ports in Peru called the Intermedios; aiding and assisting said vessels in violating the laws and decrees of the government of Peru, and in transporting and landing arms, military stores and other contraband articles; and in protecting the said vessels from the consequences of such illegal conduct, by employing or threatening to employ the naval forces of the United States in their defence.

Specification second. In employing, on or about the 11th day of July, 1822, the naval forces of the United States under his command in preventing the commander of the Peruvian brig Belgrano from enforcing the laws and instructions of his government for taking and sending in for adjudication an American vessel called the Canton, detected in carrying on an illicit trade to the injury of said government.

Specification third. In transporting or causing to be transported, on board the United States schooner Dolphin, on or about the 6th May, 1822, one Eliphalet Smith, with goods and merchandise for sale on private account, and permitting Smith to carry such, his own private goods and merchandise not designed

for the use of the said schooner, on board the said schooner, under the protection and flag of the United States, to certain ports forbidden by the laws of the country.

Specification fourth. In lending aid and countenance to the violators of the revenue laws of the government of Peru, by permitting and aiding sundry persons, at various times between the arrival of the Franklin in the Pacific in the year 1821, and her departure from thence in 1824, to carry off from the shore specie, bullion, plata pina, and other articles, contrary to the laws of said government, without the permission, authority or knowledge of the custom house officers and local authorities; and to deposit said articles so smuggled from the shore on board the public vessels of the United States then under the command of him, the said Charles Stewart.

Specification fifth. In assisting with the naval forces of the United States, then under the command of him, the said Charles Stewart, in defending and protecting persons and property, engaged in smuggling, from arrest and detention by the lawful authorities of the government of Peru at the times mentioned in the last preceding specification.

Specification sixth. In permitting to be received, and in receiving on board the said ship, the Franklin, and other vessels under his command, at various times within the periods aforesaid, within the jurisdiction of the said government of Peru, certain persons, who by the laws of the said government were obnoxious to capture and punishment—spies and officers in the royalist army, and in protecting said persons from seizure and punishment, contrary to the express instructions given to the said Charles Stewart by his government, and in contravention of his duties as the commander in the service of a neutral nation. In particular, in receiving, or permitting to be received and protected as aforesaid, an individual by the name of Madrice, an officer in the royalist army, and a spy in Lima, and the director or late director of the mint.

Specification seventh. In unlawfully, and in violation of his duties as a neutral, carrying from Callao to the before-mentioned ports, called the Intermedios, sometime between the 1st of May and the 15th of July, 1822, intelligence of a contemplated military expedition, prepared by the patriot government of Peru, against said Intermedios, and thereby exposing the same to defeat and destruction.

CHARGE THIRD—NEGLECT OF DUTY.

Specification first. In permitting and authorizing William A. Weaver, a lieutenant in the navy of the United States, attached to the Franklin, and borne on the books of that vessel, to absent himself from said ship and from his duties on board during the entire cruise of said ship, from the month of September, 1821, till her arrival within the United States, in the summer of 1824, without any necessity or reason of a public nature.

Specification second. For that, whereas, Horace B. Sawyer, a lieutenant in the navy of the United States, did, on the 24th day of July, 1822, and on the 28th of August, in the same year, exhibit to said Charles Stewart, his commanding officer, charges and specifications of the most serious character against David Conner, a lieutenant in the navy, then under the command of the said Charles Stewart, and did refer to several witnesses as able to sustain said charges; he, the said Charles Stewart, did omit and neglect to notice said charges, or to cause their truth to be investigated, to the great injury of the naval service of the United States.

Specification third. In not having his men regularly and properly exercised at quarters, and in not having his guns in a proper state for action, as he was bound to have done, during the cruise of said Franklin, from the month of September, 1821, to the summer of 1824.

CHARGE FOURTH—OPPRESSION AND CRUELTY.

Specification. In confining Joshua R. Sands, a lieutenant in the navy of the United States, and under the immediate command of the said Charles Stewart, in an unusual and unnecessary manner on board the Franklin, from the 9th October, 1823, until the 13th of April, 1824, without taking any measures to bring the said Sands to trial for any alleged misconduct, and in continuing said oppressive and cruel conduct subsequent to the said 13th of April, to the manifest and great injury of the health of said Sands.

(Signed) RICHARD S. COXE, *Judge Advocate.*

Minutes of the proceedings of a general court-martial, convened at the city of Washington, in the building on First street east and the corner of the Maryland avenue, this eighteenth day of August, in the year of our Lord one thousand eight hundred and twenty-five, by virtue of a precept from the honorable the Secretary of the Navy, bearing date the seventeenth day of August, instant, hereunto annexed and marked A.

Present: Captain James Barron, president, Captains William M. Crane, Robert T. Spence, John D. Henley, Jesse D. Elliott, Stephen Cassin, James Renshaw, Thomas Brown, Charles C. B. Thompson, Alexander S. Wadsworth, George W. Rodgers, and George C. Read, members; and Richard S. Coxe, judge advocate.

Captain Charles Stewart appeared in court to answer to the charges exhibited against him. Being asked whether he had any objections to make against either of the members of the court, he replied that he had none.

The oath prescribed by law in such case was then administered to the president and each of the members of the court by the judge advocate; and the oath required to be taken by the judge advocate was then administered to him by the president. The charges and specifications were then read by the judge advocate, annexed to the record and marked B. The accused pleaded not guilty to the same. The accused then presented an application to the court, to be heard and assisted by counsel; as also permission to employ a stenographer, and such other person as may be necessary for his assistance, and mentioned Joseph Hopkinson and Robert D. Taylor, Esquires, as the counsel whose professional aid he required. The court being cleared, proceeded to deliberate upon the application of the accused, and being reopened, it was announced that the court had agreed to accede to this request, and to allow the

gentlemen named as counsel to appear in that character under the restrictions customary in the practice of courts-martial. These restrictions the court understands to be, that all propositions, motions, and communications be made to the court in writing, by handing the same to the judge advocate; that all questions proposed on behalf of the accused be propounded in writing, through the judge advocate. The court likewise accedes to the wish of Captain Stewart, to have a stenographer in the court for the purpose of taking notes of the proceedings and of the evidence, with the understanding that these notes are taken for the use of the accused alone, in aiding him on the present trial.

William M. Hunter, a lieutenant in the navy of the United States, being produced by the judge advocate, and having been duly sworn according to law, and by him examined, deposes and says: I was the first lieutenant on board the Franklin during her late cruise from September, 1821, till her return to the United States in August, 1824, with the exception of some few months, when I was ashore, sick; I was on board in the months of May, June and July, in the year 1822; I know the American ship, the Canton, bound, as I heard, from New York to Valparaiso; we fell in with her at St. Juan Fernandez; she was lying to off that island when we arrived there; we were at anchor at St. Juan Fernandez three or four days; she continued lying to off that island; from St. Juan Fernandez we proceeded to Valparaiso; the Canton sailed about the same time; we arrived at Valparaiso together, in February, 1822, and sailed from that port early in May following; the Canton was in Valparaiso during that period; we proceeded from Valparaiso to Arica; the Canton accompanied us; (Arica is one of the Intermedios;) we remained at Arica I think nearly a month, and thence proceeded to Quilca (another of the Intermedios), the Canton in company; I do not recollect how long we continued at Quilca; we proceeded down towards Callao, but did not enter that port together; the Canton parted company with us the evening before we went into Callao; Captain O'Sullivan commanded the Canton, and was the principal supercargo; Mr. Ward the assistant supercargo; during the period in which the two vessels were together, those officers of the Canton were in the habits of intimacy with the officers of the Franklin; I have no knowledge of any arms, military stores, or other contraband articles being on board the Canton at the time of her arrival at Valparaiso; the ports called the Intermedios were in the possession of the royalists during the time that we were there, as before mentioned; during the time that we were at Arica the Canton was anchored between us and the shore, at the distance of perhaps more that half a mile; at Quilca also between us and the shore, at the distance of about a quarter of a mile; the cargo of the Canton was carried on shore at Arica and Quilca by her own boats; I do not know of what that cargo consisted; I do not know whether or not it was the same cargo she brought from the United States, or whether it was shipped at Valparaiso; I cannot recollect the time when we parted company with the Canton off Callao; the Peruvian brig, Belgrano, came into Quilca while we were lying there, while the Canton was lying there with us; the captain of the Belgrano, Prunier, came on board the Franklin and went into the cabin of the commodore; told the commodore he should take the Canton from under our guns, as the whole coast was under blockade; the commodore then told him if he made the attempt he should then act himself; not much more passed between them; he was on board several times afterwards, but I do not recollect his mentioning the subject again; I do not recollect that anything was said by Captain Prunier of the landing of arms by the Canton, or her carrying on any trade, or that any other reason was assigned for his intention to take possession of that vessel than the blockade of which I have spoken. I do not know who was the owner of the Canton or her cargo, nor do I, of my own knowledge, know who were interested in either, nor do I know, by any communication from Commodore Stewart, or by any other person in his presence, who were so interested; I was acting as first lieutenant of the Franklin in the month of August, 1822, at the period when the Peruviano and Waterwitch were in the neighborhood of the Franklin; these two vessels were built by our own carpenters, one at Arica, the other at Quilca, on our first voyage down; the frames and all the materials for building and equipping them were brought out in the Pearl, from Boston; an arrangement was made by Captain Stewart with the captain of the Pearl, by which the former was to have one of the schooners for building the others; the third was built at St. Juan Fernandez, and named the Robinson Crusoe; the Peruviano and Waterwitch, during the time they were in the service, were manned and officered from the Franklin. Lieutenant Henry at different times commanded both; Midshipman Wilkes had charge of the Waterwitch, to deliver the Waterwitch up to the owner or his agent, at which time the crew returned to the Franklin. The Waterwitch was launched some time in June, 1822, and the Peruviano in July or August of the same year; one or the other was under the command of Lieutenant Henry until a few days before we sailed from Callao, on our return to the United States, in 1824. They were used as dispatch boats. They went with letters on various occasions to Guayaquil, Panama, Valparaiso and Callao, and carried Lieutenant Mayo to Panama. The Peruviano had on board a part of the cargo of the Canton, which was taken out of that vessel the evening before we entered Callao. The Peruviano was not then rigged, but was in tow of the Franklin; she was carried into the harbor of Callao, then in possession of the patriots. I do not know of my own knowledge what the goods were. The Peruviano was rigged and fitted out in the harbor of Callao, and sailed from there under the command of Lieutenant Henry. I cannot say whether the part of the cargo of the Canton was landed at Callao or carried from thence in the schooner. I know of no other instance of either of these vessels, while commanded by officers or manned from the crew of the Franklin, having private property on board. After parting company with the Canton off Callao, we fell in with her again at Quilca, in the latter part of the year 1822. We laid there together, I cannot say how long, and sailed together. She was bound to Europe, we to Valparaiso; we parted company I think the fifth or sixth day after Captain O'Sullivan returned in the Canton. Mr. Ward was appointed commodore's secretary. He had joined the Franklin when we parted company with the Canton off Callao the first time. He was rated on the books of the Franklin, immediately after joining the ship, as second master. He remained with us till our return to the United States. At Valparaiso, when we first went out, there was some wine purchased, which was brought on board from the Canton; it was claret wine in hogsheads; there were, I think, more than twenty, but I cannot say how many; other articles were purchased from Mr. Hogan, the United States agent on shore. They were nails, canvas and paints. I cannot say, of my own knowledge, where they were procured. When the Franklin sailed from New York, she was well equipped and prepared for the cruise. She was not in want of canvas on our arrival at Valparaiso. The nails were purchased with the idea of building a dispatch boat before we knew of the frames. There was no immediate use for any of those articles on board the Franklin, at the time of the purchase. They were in part used on board the Franklin. The Constellation received thirty bolts of canvas, and there were thirty-six bolts loaned to the Canton, for the purpose of making sails for her. The sails for the Canton were made on board the Frank-

lin, by the crew of the Franklin, on our first passage down from Valparaiso to Callao. The Dolphin received them from the Franklin at Callao, and took them to Guayaquil. Part of the other articles were consumed on board the Franklin; part were brought to the United States; part of the nails and paints were so consumed, and the residue of the canvas. The wine was used, part as wine and part as vinegar. The Peruviano, while she had the goods on board received from the Canton, in the harbor of Callao, was anchored near the Franklin. During this time Mr. Ward did not, to my knowledge, continue to act as the supercargo of the Canton, nor had he anything to do with the goods. The Peruviano, when towed in, was a mere hull of a vessel, not perfectly decked, and without masts. When rigged she assumed the appearance and was understood to be a public vessel. During the times we were in the harbors of Quilca and Arica with the Canton, that vessel wore the flag and pendant common to American merchant vessels. Inquiry was made by Captain Prunier of Commodore Stewart, whether the Canton was or was not a public vessel, or in the employ of the government. The answer given was, that she was a merchant vessel. We saw the Pearl, the Sarah, and the Telegraph on the coast of Peru; neither of them sailed in company with us. The Pearl was in sight during our passage from Valparaiso, as far as Arica. I believe she had applied for convoy, but was refused. The Canton was along with us, and she and the Pearl were together the evening before we arrived at Arica, but at no other time. The Canton did not, to my knowledge, during that voyage, lay to, or shorten sail for the Pearl. Convoy was refused to the Pearl because she had arms on board. They were not landed at Arica. She sailed from that port to the northwest coast. No arms or other articles were, to my knowledge, shipped from the Pearl to the Canton. On our passage from Valparaiso to Arica, there was a brig in sight, which afterwards proved to be the Sarah. The Pearl and Sarah were fallen in with about half way down the coast. The frames that I have spoken of were purchased at Valparaiso and in part delivered at Arica. The greater part we took on board at Valparaiso, as much as we could conveniently carry. I do not know that while in the port of Arica either the Pearl or Sarah was engaged in landing their cargoes, or in any commerce with the shore. I do not know that any arms or cannon were landed from the Pearl at Arica. Carpenters and other men, mechanics and laboring men, were permitted to be employed on board the Canton, Wasp, and other vessels, without distinction of nations—never when their services were wanted on board the public vessels. I believe they were in almost every instance paid by the owners or captains of the vessels on board which they worked. It was not possible to procure mechanics or laboring men from the shore, and for that reason it was permitted. It was a permission to the persons thus occupied, not an order, and of course no complaints were made by them. It was a usual thing in the service. I know Captain Eliphalet Smith. He came on board the Franklin while we were at Valparaiso the first time. He was a passenger in the cabin with the commodore. He remained until after leaving Callao. We went down to Quilca. He was landed, I think, some time in October. I understood he was an American merchant, doing business out there. He was engaged as a merchant during that period. I do not know of what vessels he was the owner, or in which he was interested in that sea at that time. While lying in port, he was at times on board, at times on shore. I do not know whether he was engaged in carrying on any business on his own account or on behalf of any of the officers or crew of the Franklin, nor whether he had any goods or samples of goods on board the Franklin. He had not an unusual quantity of baggage for a mere passenger; nor did he, when he landed from or returned to the Franklin, carry or bring with him an unusual portion of baggage. I understood he was once sent in the Dolphin, by the commodore, to carry a dispatch, but I know of no other instance of the sort. He was not employed to board vessels, or to perform any other duties which it is usual to execute by the means or instrumentality of officers. William A. Weaver was borne on the books of the Franklin as a lieutenant during the cruise. He did not sail in her, nor was he on board after sailing from New York. We first saw him at Rio Janeiro; he was on board the merchant vessel the America. We saw him next at Valparaiso, on our first arrival there. We did not again see him during the cruise. He did not do duty as a lieutenant on board the Franklin, either at Rio or Valparaiso. There were no muskets, cartridges, or other military stores sent on board the Canton from the Franklin. I should have known it had they been sent. There were none from the carpenter's department sent on board, to my knowledge. At the time the first cutter was lost, a sail which had been borrowed from the Canton was lost, and an old condemned studding-sail given to Captain O'Sullivan in lieu of it. About the same time, the Canton returned to us in rigging, for the use of the Franklin, a loan which had been made to her previously of a hawser. There were hoops, purchased by the slush fund, private property, which were used in making kegs, &c., which were sold, and the fund credited with the price of them. There were two saws; one was loaned to Captain Smith, the other to Captain Adderton, of the brig Nancy, an American vessel, whose crew had mutinied and thrown his tools overboard: both were returned. As to any other articles being sold or given away, I know nothing. In November, 1823, and January, 1824, I was not on board the ship, being sick on shore. I have no knowledge of any plate, bullion, coin, or other articles being smuggled off to the ship. While the ship was lying at Quilca, on our first visit, the boats went off from the ship and returned after night with money. They went, I think, before night. There was a small cove at the place and a building called the custom house. Lieutenant Henry was one of the officers. Midshipman Pearson was also on board. We were lying about a mile and a half from the shore. About the same place (I cannot say whether on the same or a subsequent visit) the same circumstances again occurred, and I think the same officers. We sent money from the Franklin on board an American brig bound to the United States; sent on board her in the harbor of Callao. She had not gone to sea. Mr. Goldsborough was, I think, the officer. Part of this money (the principal part) came from the Dolphin, part from merchant ships in harbor, and part belonged to the brig herself. No part of it, to my knowledge, was public property. I know of no other instance of a similar kind. In going from Valparaiso down the coast, the commodore had his horses on board. They were taken on board at Valparaiso. Two of them were landed at Quilca. There were six in the whole, at different times, on board; five belonging to the commodore, and one to Captain Smith. The commodore told me he had given his horse, which was landed at Quilca, to a Mr. Cotera, a merchant of the place. I do not know that either of them were ever given to General Canterac, or any other royalist general, nor did I ever see either of them afterwards in the royalist army. The horse that was given by the commodore to Mr. Cotera was in return for a present made by Mr. Cotera to Mrs. Stewart. There was a person of the name of Madrid on board the Franklin. I thought Commodore Stewart knew him to be there. From the commodore's conversation with me a year after, he appeared to be in great distress in hearing of it, and I was induced to believe he never had known of it before. I saw a man who was said to be the director of the mint. He came on board for the purpose of depositing bullion, or something of the kind, which was not received. It

was refused because it belonged to him as a Spaniard, one of the belligerents, and also on account of the size of the boxes. When we sailed from Callao for the Intermedios, it was for the purpose of convoying an American ship called the Chauncey. I do not know of any request, either of an official or unofficial kind, to the commodore to delay going down then. I think there was a military expedition which had sailed before us from Collao, bound to the Intermedios. Whether it arrived there before we did I cannot say. It had not arrived at the port we were at. That was the time that Madrid was on board. In January or February following we heard the report that the expedition was defeated. The patriot party was at that time in possession of Lima. During the voyage from the United States till our return, the crew of the Franklin was as frequently and as regularly exercised at quarters as I have ever seen on board a ship. The guns of the Franklin were, as I conceived, kept in a proper state for action. The gunner reported the fore-cabin guns to have the same cartridges in them which they had when we sailed from New York, but they were frequently drawn, examined, and found in good order. I left the Franklin about the first of October, 1823, and I returned about the first of March, during which time I was detained on shore by sickness. Lieutenant Sands was confined from the time I rejoined the ship until the time mentioned in the specification of the last charge. He remained confined until his return to the United States. During the latter part of the time he had the use of the gun deck t walk about. He was tried at Callao soon after the arrival of the United States—about April or May. The sentence of the court was never promulgated on board the Franklin. No alteration was made his confinement until some time after the sitting of that court, but on our passage home he was allowed to walk the gun deck. He was continued under arrest until after our arrival at New York. From the time I rejoined the Franklin until Mr. Sands was allowed to walk the gun deck, he was confined to his state-room. It was never reported to me that his health was affected. I believe the officers of the ship asked the commodore to enlarge him from his confinement. The commodore said he had offered him the privilege of the gun deck upon certain restrictions, which he would not agree to. The cause of his arrest and confinement was a quarrel with one of the officers.

Question. (By the court.) As first lieutenant of the ship, would you have known if any articles of stores had been sent on board the Canton from the Franklin?

Answer. I should; as one of the regulations of the ship required that it should be done upon an order signed either by the first lieutenant or the commanding officer.

Ques. How often were the men exercised at quarters?

Ans. Generally every day or so, one division or other, at sea. They were not often exercised in port.

Ques. Did you examine and sign the weekly expenditures of the ship's stores?

Ans. Yes. I examined the accounts weekly, and they were signed monthly in the books.

The court adjourned till 10 o'clock to-morrow morning.

FRIDAY, *August* 19, 1825.

The court met pursuant to the adjournment of yesterday. Present: all the members of the court, the judge advocate and Captain Stewart. The minutes of the proceedings of yesterday were read, and the court resumed the examination of Lieutenant Hunter.

The carriage, carriage horses, and two riding horses belonging to the commodore, were landed at Callao, and left at Lima. They were all taken on board at Valparaiso, at the navy yard. Those left at Lima were never taken on board again. They were left there when we sailed.

Question. (By the court.) You say, sir, that Commodore Stewart offered to release Lieutenant Sands under certain restrictions; will you be pleased to state what these restrictions were?

Answer. I understood the commodore to say that if Lieutenant Sands would pledge himself not to quarrel with or molest any of the officers of the ship, he would allow him the liberty, and I understood him to say that Lieutenant Sands had refused it.

Henry Henry, a lieutenant in the navy of the United States, being produced by the judge advocate, and having been duly sworn according to law, deposes and says: I was on board the Franklin, as a lieutenant, a portion of the time that she was on her cruise in the Pacific. I was on board until the 22d June, 1822, when I was ordered to take command of the dispatch boat, the Waterwitch. (The orders read, annexed to the record and marked 1.) I rejoined the Franklin on the twenty-third of April, 1824, by virtue of the order of that date, (read, annexed and marked 2.) From the time I rejoined the Franklin, I remained on board, until her arrival in New York. Between the two dates I have specified, I was engaged as the commander either of the Waterwitch or the Peruviano The Canton was first fallen in with off the Island of St. Juan Fernandez. There was a private signal flying on one of the mast heads of the Canton when we first fell in with her. None of the officers appeared to know what vessel she was by her signal. I do not know whether the Canton was in New York when we left there. The Franklin went into the harbor of St. Juan Fernandez. The Canton remained under way. Before we went in, Captain O'Sullivan came on board, whether from his own ship or the Dolphin I do not recollect. We remained at the island two or three days; less I think than a week. The evening we got under way, I was the officer of the first watch. She was in sight when I took charge of the deck; the Franklin was lying to; during the watch, we filled away and I lost sight of the Canton. I do not recollect that Captain O'Sullivan was on board when we got under way, nor whether any signal was made to the Canton from the Franklin. The day we arrived off the harbor of Valparaiso, I saw the Canton in company with the Dolphin. The Dolphin got under way from St. Juan Fernandez a little after us; some little delay occurred, which was the cause of our laying to. I do not know where the Canton was ostensibly bound from or to, nor do I know what her cargo consisted of. I think we arrived at Valparaiso in February, 1822, and sailed from there in May following. During that time, the Canton remained in the port of Valparaiso. The captain of the Canton, O'Sullivan, and the officers of the Franklin, were in habits of intimacy. When we left Valparaiso the Canton accompanied us. We went to Arica, one of the ports of the Intermedios; the Canton continued in that port as long as we did, and sailed with us to Quilca. I do not know anything of any commerce or trade carried on by the Canton other than that she landed part of her cargo at Arica, and the remainder at Quilca. The ports of the Intermedios were in the possession of the royalists. I know nothing of the purchasing for the Franklin from the Canton of any articles in the harbor of Valparaiso. I remember that while at Valparaiso, canvas, wine, nails, and other articles were brought on board the Franklin, whether from the shore or the Canton I do not know. Previous to my taking command of the Peruviano, I stated to Commodore Stewart that there were some goods on board her, and asked him what I should do with them? He stated to me that they were there for safe keeping, and that I would deliver them over to the Canton as soon as I fell in with her. This was

in the port of Callao, on or about the 26th September, 1822. There were eight or nine bales of dry goods, I presume. They were delivered to the Canton off the port of Quilca. I saw Captain O'Sullivan, and directed him to send for them, which was done. They were delivered, I think, some time in the month of October following. The Peruviano belonged to Commodore Stewart; she was officered and manned from the Franklin. She was not subjected to the payment of duties as a private vessel, but was treated as a public vessel, during the time that I commanded her. I sailed from Quilca on or about the 26th of July, 1822, in the Waterwitch, for the port of Guayaquil, under the orders of that date. (Read, annexed and marked 3.) I joined company with the Franklin somewhere about the 2d of September, in the harbor of Callao. Shortly after the Constellation sailed, while at Valparaiso, an American brig called the Pearl arrived in that harbor; I went on board her in company with Mr. Girold, a merchant of that place, at his instance. While on board I ascertained that they had the frames of three schooners, with all the materials necessary for building, equipping and sailing them. These, the captain of the Pearl informed me, were intended for the Sandwich Islands. I inquired whether he would sell any or all of them, to which he replied that he had not made up his mind, but his then impression was that he should prefer carrying them to the Sandwich Islands, for which place they were originally designed. I returned on board the Franklin. This was sometime after sundown. The next morning I informed Capt. Stewart of the circumstance. He then observed that one of these vessels would be very desirable for the purpose of facilitating the duties which were required of the squadron. The commodore directed me to inquire what would be taken for one of them. The captain of the Pearl told me it was impossible for him to say, as he had not made up his mind to sell them. After some conversation it was finally agreed that the commodore should build the three vessels; should deliver two of them at the Sandwich Islands, and pay five hundred dollars, and retain the third. In the course of a day or two, the agreement to the foregoing effect was concluded. The frames and materials, all or nearly the whole, were put on board the Franklin, and on our arrival at Arica the materials for one of them were landed on an island. She was built there and named the Waterwitch; she was immediataly put under my command; she was towed down to Quilca, astern of the Franklin; during the passage down, I superintended the finishing of her; on our arrival at Quilca, the frame of the Peruviano was landed; she was built and launched in the cove there; I also superintended the building of her until she was launched, which was a few days previous to my receiving the instructions under which, as before stated, I proceeded to Guayaquil. Some of the articles employed about these vessels were, as I understood, borrowed from the Franklin, which were afterwards purchased by Mr. Hogan, and returned to the ship. The Waterwitch had some muskets, pistols, and cutlasses taken from the Franklin. The Peruviano had a gunnade, I think a twelve-pounder, and a small swivel, which was presented to me by a friend, which I placed on the bows; she also had muskets, pistols, and cutlasses, and a small arm-chest. The articles I have spoken of on board the Waterwitch were, I think, left on board when she was transferred by me to Midshipman Wilkes when he succeeded me. The armament of the Peruviano was returned to the Franklin when I delivered that vessel to Mr. Nixon, to whom she was sold. I think I understood, from a conversation between Commodore Stewart and Commodore Hull, that the Peruviano was sold for $4,000 or $4,500. I understood that both the other schooners were delivered to the captain of the Pearl, or to persons authorized by him to receive them; I understood that Mr. Hogan returned the articles that I have mentioned as borrowed from the Franklin from the commodore's private account; I made the application to Mr. Hogan to charge them in this way, by direction of Commodore Stewart. The two schooners were built by the carpenters and crew of the Franklin. Previous to Commodore Stewart's ordering them to be built he called the carpenter's mate and stated to him that if he would build them quick and get them launched, he would, in addition to the pay he would allow him, make him a present of one hundred dollars. I understood that they were to be paid for their labor independently of their pay as attached to the ship, besides the hundred dollars; whether they did receive it, or from whom, I cannot say. I know nothing as to the purser sending clothing or other articles from his stores on shore. I never knew the officers of the Franklin, during the period that I was in her, to be unable to procure from the purser such articles as they stood in need of. I know nothing of any musket cartridges, or other military stores, being sent on board the Canton from the Franklin, nor of any articles of any other character belonging to the Franklin. I do not know of any trade in military stores, or contraband articles, being carried on by the Canton, Pearl, Sarah, or Telegraph, while in company with the Franklin. I was asked, by some one at Arica, whether either the Canton or the Pearl had landed arms. I replied that I did not know, and immediately went on board and repeated to Commodore Stewart what had passed. The commodore immediately directed Lieutenants Hunter and Hammersly to go on board the Pearl with some instructions in relation to the arms, but what I know not. At the time of the correspondence between Captain Prunier of the Belgrano and Commodore Stewart, in relation to the Canton, I was principally on shore and knew nothing of the circumstances. On our first arrival at Quilca, I went in charge of the boats of the Franklin on shore, for the purpose of taking off some specie, plata pina, &c., belonging to Captain Smith. In the morning, previous to the first night that I went after this money, I was requested, by Captain Smith, to accompany him to the Bay of Aranta, about three leagues to the southward of the port of Quilca. On my arrival there, I found a colonel in the royal army, who was doing duty in the custom house in the port of Quilca. He stated to me that that was the place where the mules would arrive with the specie. That evening I went up in company with Captain Smith. After waiting one hour or two, a caravan of about sixty or seventy mules arrived; they had the specie, plata pina, &c., with them. This was delivered to me by a sergeant doing duty in the custom house, and one whom I understood was particularly employed for the purpose of preventing smuggling. After I took it on board the boats I proceeded on board the Franklin. I went three times, twice to the Bay of Aranta, once to the northward of Quilca; each time the money was delivered to me by the sergeant. On each occasion it was taken on board the boats at night. I went also once with Captain O'Sullivan, while in the port of Arica; we went on shore after tea in the evening. I went up to the house of the governor or sub-delegate, who informed me there was some money coming down from the interior for Captain O'Sullivan. After waiting some two or three hours in his house, taking some refreshments, the money arrived; he went in person and directed it to be put on board a boat belonging to the Canton; this also was after night. I then went on board the Franklin. These were the only instances in which I had anything to do with carrying specie on board the Franklin. It was in each instance a voluntary act of my own, without any orders from the commodore. I was engaged on shore in the building or equipping the two schooners, and had nothing to do with the Franklin. The customary amount paid on the deposit of money

on board our ships-of-war in that quarter was one per cent. and for freight two and a half. I do not know, what was paid on the particular occasions to which I have referred. I knew nothing of an individual named Madrid being on board the Franklin until it was mentioned to me some months after by Lieutenant Hammersley, as a circumstance that had taken place. I saw the director of the mint on board in company with an American gentleman who lived at the time in Callao, whose name I do not recollect; it was in the harbor of Callao. He merely came on board; was on the spar deck; did not go below, and remained but a short time. I did not understand that he was obnoxious to capture or punishment by the authorities on shore. It was about eleven o'clock in the morning that he was on board. There was no appearance of concealment or secrecy. He appeared to have no business of his own, but to be merely a companion of the gentleman with whom he was. I do not recollect to have ever seen him on board, except on that single occasion. On my return from Panama to Callao, some time in the month of March, 1823, I was directed by Commodore Stewart to remain there ten days, by the orders read (annexed to the record and marked 4). When the ten days had nearly expired, I received a letter from Judge Prevost (read, annexed to the record, and marked 5), enclosing one to him from the secretary of state and foreign relations of Peru (read, annexed, and marked 6). This note was handed to me by Captain Connor, of the Dolphin, to whom I replied that I did not feel authorized to disobey the orders I had received from Commodore Stewart, particularly as the terms required were so dishonorable to an American and a neutral officer (alluding to the requiring my pledge of honor). After some conversation on the subject with Captain Connor, he being the senior officer, it was determined I should remain, and he wrote an answer to Judge Prevost (of which a copy was read, annexed to the record, and marked 7). I believe he also had received a note from Mr. Prevost, of the same tenor with mine. I have no recollection of any military expedition sailing from Callao about the months of May, June or July, 1822. I think the first that occurred was the one in March, 1823. During the whole period of the cruise of the Franklin, from the first sailing of the ship until I quit her, when the weather would permit it, more or less of the divisions of the ship, and sometimes at general quarters, were exercised. So far as related to my own division, the guns were always in good order, and I never heard any complaint that the others were not. The schooners, while under my command, were particularly employed in carrying dispatches, and other public services connected with the squadron, and upon no other duties whatever. My instructions were sometimes in writing, sometimes verbal; on one occasion I carried Lieutenant Mayo from Valparaiso to Panama, some time in January, 1824. Commodore Stewart handed me a letter for Captain Connor; we were at Quilca; Captain Connor was at Callao. This letter, with the permission of the commodore, I read before it was sealed; it was an order for him to proceed immediately off the Island of Chiloe, for the purpose of intercepting the Spanish brig called Quintanilla, or any of the prizes that he might make and send in. According to the best of my recollection it applied to American vessels. Some few days after sailing from Quilca I fell in with the American schooner the Adonis, of Baltimore, from Callao, which vessel had been captured some ten or twelve days previous by the Quintanilla. I spoke her; sent an officer on board, who found a prize master on board belonging to the Quintanilla. The captain of the Adonis and the supercargo, and, I believe, a passenger, an American, by the name of Crosby, came on board my vessel; they informed me they had been captured some ten or twelve days previous, and robbed of about $2,000 worth of property. When I asked them for the papers, he informed me that a number of them had been destroyed by this pirate, as he termed him. Having satisfied myself as well as I could that the property was American, I requested Captain Gibbs, an American citizen, who was a passenger with me, and whose vessel was employed by Commodore Stewart, to take charge of the Adonis, and carry her into the port of Quilca, where I had left Commodore Stewart with the Franklin, and to deliver over the vessel to him, with the papers of the vessel. The Quintanilla was, as I understood, a regularly commissioned royalist vessel, but in consequence of her piratical conduct was esteemed a pirate. Captain Gibbs commanded the Amanda, a schooner from Baltimore; she was manned and armed from the Franklin, and was, I believe, sent off the Island of Chiloe on the same business, and had previously, as I understood, been in pursuit of the Quintanilla. The Amanda was under the command of Lieutenant Hammersly.

The court adjourned till ten o'clock to-morrow morning.

SATURDAY, *August* 20, 1825.

The court met pursuant to the adjournment of yesterday. Present: all the members of the court, the judge advocate, and Captain Stewart. The examination of lieutenant Henry Henry was resumed:

I have the log-book of the Peruviano, but that of the Waterwitch was left on board the vessel when she was transferred to Mr. Wilkes. On the 26th September, 1822, I resumed the command of the Peruviano, in the harbor of Callao; I was left there till the 8th of October, under orders from Commodore Stewart to wait upon the minister of state, to receive any communication he might have to make to the commodore, in reply to a communication from the latter. I sailed on the 8th October, having waited on the secretary, who had no communication to make. I sailed for Quilca, to rejoin the commodore, and arrived at Quilca on the 27th of that month, and rejoined him there. On the passage down I discovered the Franklin off the port of Molliendo; passed by Quilca, spoke him, received on board Lieut. Hammersly and Captain Smith, whom I landed at Molliendo, and proceeded to Quilca. I sailed from Quilca on the 5th November for Valparaiso, having remained in Quilca in the interim, laying alongside of the Franklin, waiting further orders. No specie, goods, or persons were received on board; I may, perhaps, on reflection, have carried specie, but I have no recollection whether I did or not. When I sailed I left the Franklin there. The object of my visit to Valparaiso was to get some provisions in readiness for the Franklin, and I carried a letter from Commodore Stewart to Mr. Hogan to that effect. I arrived at Valparaiso on the 29th November, not having touched at any place on the passage. On the 29th December the Franklin arrived. Understanding she was in sight I got my vessel under way, stood out to meet her and returned into harbor in company with her. I remained in Valparaiso until the 12th January. No goods, specie or passengers were taken on board in that port. About midnight of the 12th I got under way, under the instructions yesterday submitted to the court, for the purpose of carrying Lieutenant Mayo to Panama, with orders to touch at Callao. January 25th I arrived at Callao; on the following day I sailed for Panama. On the 17th February I anchored in the Bay of Panama, landed Lieutenant Mayo, the bearer of dispatches, who proceeded on his way immediately, having obtained a passport from Bolivar on a previous visit to Guayaquil in the Waterwitch. I took on board the necessary wood and water, and on the 22d February sailed for Callao, where I arrived on the 19th March following.

In compliance with my instructions, and by the orders of Lieutenant Conner, as mentioned yesterday, I remained until the 3d April. Understanding at Callao that the commodore was at Quilca, I sailed for that port, at which place I arrived on the 15th April, and there found the Franklin; it being a perfect calm, I left the vessel at the distance of about forty miles and proceeded in my boat on board the Franklin, then at Quilca. On the morning of the 17th the Peruviano got in, being towed in by the boats of the Franklin; the calm continuing, I remained at Quilca till the 24th April, waiting further orders. I think I there received on board Captain Parsons, of the American brig Thetis, and some specie, for Valparaiso, and sailed on the 24th, under the orders of the 22d (read, annexed and marked 7), for Valparaiso. On the 16th May I arrived at Valparaiso, and on my arrival found the letter of March 23d (read, annexed and marked 8), which had been left by the commodore while I was gone to Panama, and which I had of course not received earlier in consequence of my stopping at Quilca. On the 28th May I left Valparaiso, having taken on board neither passengers, goods nor specie, and arrived off the port of Molliendo, to the southward and eastward of Quilca. I stopped there, being carried in by the current; landed to inquire whether the Franklin was on the coast. On the 13th June I sailed from Molliendo for Callao, where I arrived on the 17th, and found the Franklin. I remained at that port until the 5th August, when I sailed for Valparaiso under orders of the 4th (read, annexed and marked 9). While at Callao I received on board Lieutenant Nixon of the navy, then on furlough, and then doing business as a merchant, and a Mr. Didier of Baltimore, supercargo of the American ship, the Arminices, of that port, together with some specie and plata pina belonging to them. On the 22d August arrived in the harbor of the Island of St. Juan Fernandez, for the purpose of procuring wood. On the 24th got under way for Valparaiso, in which port I anchored on the 27th. I had also on board at this time some plata pina, brought from Quilca, belonging to an English house, which, as I was about sailing, was put on board a French sloop-of-war in Valparaiso, and some belonging to an English . . . . put on board the British frigate, Aurora, at Callao. I remained there (Valparaiso) until December 13th, awaiting the Franklin, which vessel arrived on the 22d September, and after that time awaiting further orders. I landed at that place the gentlemen whom I have mentioned. They made a disposition of the specie; I think part of it to a German ship bound to India. It however was all taken out of my vessel. December 10th, the Franklin got under way. I was dining with Commodore Stewart on that day when he received information that the Quintanilla, the piratical vessel spoken of yesterday, had captured an English Indiaman, with a very considerable amount of specie, and Mr. Stewart, the American consul of Coquimbo. He, in consequence, got under way, and stated he would go to Coquimbo, and cruise off there until I joined him. He left me to receive some accounts, which were unsettled, relating to the Franklin, from Mr. Hogan, and then to proceed to Coquimbo. He sailed on the evening of the 10th. On the 13th I got under way, taking on board Mr. Girald, an American merchant. On the 14th, fell in with the Franklin off Coquimbo. Mr. Girald here left me and went on board the Franklin. On the 17th both vessels got under way. I stood out to sea with her, and immediately returned to the harbor of Coquimbo and anchored; continued there until the 29th, when I sailed for Valparaiso, having on board Mr. McCall, of Philadelphia, to whom I had given a passage. Arrived at Valparaiso the 4th January, 1824. I was there until verbal instructions were received from Commodore Stewart at Coquimbo. The purport of them was to remain at Valparaiso until the arrival of the mail from Buenos Ayres across the Cordilleras, by which he expected letters from the United States. There was, however, but one, which was for Lieutenant Ogden; and I received or heard of the proclamation of the King of Spain, announcing his restoration to unlimited power. We sailed January the 13th, and on the 22d arrived at Quilca, where I found the Franklin. On the 24th, got under way for Callao, with verbal instructions to take the letter to Captain Conner which was given in evidence yesterday. On the 26th, I recaptured the American schooner mentioned in my testimony yesterday. On the 30th, I arrived at Callao. On the 31st the Dolphin went to sea. On the 2d February I got under way, and, from an accident, had to return. Having repaired it, sailed the next evening for Quilca, where I had been directed by the Commodore to meet him, and arrived on the 17th February. I there found a letter which was delivered to me (read, annexed, and marked 10). I had on board, on my passage from Quilca to Callao, Captain Gibbs, of the American schooner the Amanda, and Captain Williams, of the American ship the Arab; the latter of whom returned with me to Quilca. In consequence of being short of water I anchored at Quilca, and endeavored to procure some from the Arab, but without success. The reasons for the commodore's order I heard. Mr. Girald came off from the shore, bringing me a dispatch from the vice-King for Commodore Stewart. He accompanied me afterwards to Valparaiso. He brought off some fruit, vegetables and specie belonging to himself. I understood from him that there had been some difficulty between Commodore Stewart and the government there, in consequence of his threatening to capture the Quintanilla. I sailed on the 18th February for Valparaiso. On the morning of March 6th, I arrived there and found the Franklin. On the 15th, the Franklin got under way, I believe, for Lima. On the 27th the frigate United States, Commodore Hull, arrived. On the 25th, the Dolphin had arrived, and, on the 26th, the Amanda, in charge of Lieut. Hammersly. I delivered to each of the officers the orders and communications left with me for them, referred to in the orders of March 15th (read, annexed, and marked 11). In consequence of my indisposition, and at my request, Commodore Hull placed his letters and dispatches on board the Dolphin and ordered her down. On the 4th May I got under way, in company with the United States, for Callao, and arrived at that place on the 12th. Being extremely unwell, I quit the Peruviano and went on board the Franklin, where I remained. She was afterwards sold to Mr. Nixon, to whom she was delivered as stated yesterday. I do not know myself of any instances in which convoy was refused to American vessels; I never did it myself with or without orders. The ports of the Intermedios are very insignificant places—the principal one is Arica. In consequence of the great distance from Arequipa to Arica, Quilca was made the port of entry, being much nearer. At Quilca there is a little cove; no port or harbor; the same at Molliendo, except for very small vessels. At Arica, vessels are obliged to anchor in the roadstead; and at the other places on the coast; neither of them are places of business or commerce, further than that of the vessels which go there to load their cargoes; there are no resident merchants there. Arequipa is a place of from 80,000 to 90,000 inhabitants, as I have understood. There was no town or house at the Bay of Aranta. There is but one house at the port of Quilca, occupied as a warehouse and by the custom house officers. I understood from the colonel, who pointed out the place where the specie was to be received, at Aranta, that he had received information of its having left a small town, (Legais, I think,) between Arequipa

and the coast, and from the time it had left there he expected its arrival about the time he mentioned it would be there. At this place the English man-of-war brig Alacrity, on another occasion, took off a very large sum. There was no permit or other document from the custom house officers, that I know of, relating to this money. When it was taken on board the Franklin, Commodore Stewart was there to receive it, and I made no report to him on the subject. Commodore Stewart signed receipts for all moneys received on board on deposit, and bills of lading for all received on freight, and was considered as equally responsible in either case. That responsibility is, to deliver the amount of money for which he signs receipts or bills of lading. The responsibility rests with the officer who signs the receipt or bill of lading, and upon no one else. The money received for the deposit, or freight of specie, &c., on board the schooners, while under my command, was paid to me. Some time after I was thus in command, I recollect going to Commodore Stewart, on board the Franklin, and stating to him that I had at that time some money, thus received, and asking him what was to be done with it, not knowing what portion I was to pay over to him as commander-in-chief. He replied, you have taken all the responsibility, and are consequently entitled to all the emolument. He stated that the object for which that vessel was employed was not to make money; and, as nearly as I can recollect his expressions, added, she was to be employed wholly and exclusively for the public service, and for the vessels under his command. This transportation of specie, and the deposit on board public vessels-of-war, is absolutely indispensable. There was no security for it on shore, under either of the governments.

Examined on the part of Captain Stewart:

Question. During the period the Peruviano was in the service of the Government of the United States, was she in any other service or employment?

Answer. She was in no other.

Ques. What was her tonnage?

Ans. About forty tons, I think.

Ques. Was she provided with sweeps?

Ans. I had two.

Ques. Were you allowed any extra pay as her commander?

Ans. On my arrival in the United States, I had a conversation with the Secretary of the Navy on that subject, in which I signified to him that I thought myself entitled to the pay of a Lieutenant Commandant. He directed me to make out my account, which I did, and gave it to the Auditor; the extra pay claimed was $387.83; the Auditor, after a conversation with the Secretary, said that it was necessary that Commodore Stewart should certify the manner in which the vessel was employed. I transmitted the account to him for the purpose of obtaining the requisite certificate; without waiting for an answer I returned to Philadelphia, where I saw the commodore, and had a conversation relative to what had passed between the Secretary and myself. He put a certificate on the account, of which I have a copy (read, annexed and marked 12). I enclosed the account, with the certificate, to the Secretary, and received from him the answer (read, annexed and marked 13). I then transmitted all the orders I had received from Commodore Stewart, while in command, which I stated would give him full information of the duties which I had performed, and received from him the answer (read annexed and marked 14).

Ques. What was the value of the American schooner and her cargo recaptured by you? Did you ask or receive any salvage?

Ans. She was stated by the supercargo to be worth about $60,000. I neither asked nor received any salvage.

Ques. Do you believe a dispatch boat could have been hired to go from Valparaiso to Panama? and if so, what would have been the probable expense?

Ans. I suppose from $1,500 to $2,000. I do not know whether any could have been procured at the time. The commodore paid $1,200 per month, for the Amanda, and in general the time occupied would be from sixty to eighty days, taking the course which my orders required of me. The passage I had was an unusually quick one.

Ques. Was it a convenience and saving of expense to employ the Peruviano in the business of providing and preparing provisions for the Franklin?

Ans. It was a very considerable saving to the government.

Ques. Was the flag hoisted at the fore of the Canton, off St. Juan Fernandez, a private signal to any one on board the Franklin, whereby any information was understood to be conveyed, or was the flag the distinguishing flag of the Canton and the house to whom she belonged in New York?

Ans. I do not know.

Ques. Where was the Thetis at the time Captain Parsons went with you to Valparaiso?

Ans. I believe she had been captured by one of the patriot cruisers at Quilca, previous to my arrival there, and sent to Callao.

Ques. Do you know of any instance in which I refused a passage to a citizen of the United States, when any of the vessels under my command was proceeding from one port to another?

Ans. None.

Ques. Do you know of any instance in which foreigners, of any nation, asked such passage? if yea, state if in any and in what instances it was granted.

Ans. I do not know of any of my own knowledge.

Ques. What directions or instructions did you receive in relation to receiving specie, or bullion, on board your vessel?

Ans. The orders which Commodore Stewart gave me, both verbally and in writing, were to receive none but such as was neutral property, and to do no act which was likely to compromit our neutral character.

Ques. (By the court.) Were not the vessels-of-war of the different European nations, on the coast of Peru and Chili, employed in receiving on board and transporting specie and other valuables?

Ans. Yes; it was customary.

The court adjourned till ten o'clock on Monday morning.

MONDAY, *August* 22, 1825.

The court met pursuant to the adjournment of Saturday. Present: all the members of the court (with the exception of Captain Brown), the judge advocate, and Captain Stewart. A communication was

received from Captain Brown, stating that he was prevented, by indisposition, from attending the court this day.

Peter Birch, a witness, (produced at this particular stage by consent,) being duly sworn, according to law, deposes and says:

Question. Were you the steward of the Franklin, under the command of Captain Stewart, during her late cruise in the Pacific?

Answer. I was.

Ques. Do you recollect that, at Callao, a man named Madrid came on board the Franklin? relate all you know of that transaction.

Ans. I do. Mrs. Stewart sent for me in the cabin; told me to take care of that man, (he was there at the time,) and give him to eat, and not to let him suffer for anything to eat or drink, because he was a poor man. I made him work, cleaning knives and candlesticks, and when we went to Quilca he requested two or three times, to go on shore; I told him the first boat that came to the ship, merchant boat, that I knew, that I would try to get him on shore. The next day a boat came on board from one of the merchant vessels. I went to Mrs. Stewart, and told her the man in the pantry wanted to go on shore. She told me to do what I could for him; to send him as I could. He had no clothes to put on but a pair of old trowsers; I gave him a jacket and trowsers of my own, and two or three of my old shirts. I then went on deck to try and get him in the boat. I knew he was kept secret from the commodore. I saw the commodore walking the decks, and then I told him he must go through the port. I never saw him again till I saw him on board the ship when we went to Callao, about a year after. When I saw him afterwards, he had on a coat with gold lace; no epaulettes. He came on board with the captain of the harbor; he never spoke to me, nor I to him. When he first came on board, it was, I think, in the evening, before dark. The vessel was under way. The commodore was on deck. I do not know how he came on board. He was kept the whole time in my pantry. The door was sometimes open, and sometimes shut. In going out of the commodore's cabin, a part of the inside of my pantry could be seen—part could not. Mrs. Stewart told me not to let any one know he was there, particularly the commodore. A great many of the officers and men knew he was there. I knew he went out of the port and got into a merchant boat. Nobody was with him but the captain of the port when he came on board afterwards. At that time Callao was in the possession of the royalists. To the best of my knowledge and belief, Commodore Stewart did not know of Madrid being on board while he was there. I never received from the commodore any directions in relation to him, nor did I ever state to any one that I did. I never saw him in the cabin after the first time when he had the letter which he read to Mrs. Stewart. About ten or twelve months after, at Valparaiso, Commodore Stewart sent for me; he asked me if I had ever had such a man in the pantry. I told him that Mrs. Stewart had directed me to keep him in the pantry; he jawed me, and asked why I did not manifest it to him. I told him what Mrs. Stewart had said—that plenty of the officers knew it, and I had no business to tell him. He threatened to send me ashore if I ever did such a thing again. I gave him the clothes of my own accord. He did his work pretty clean.

Ques. (By the accused.) When Commodore Stewart spoke to you about Madrid, was he not very angry, and did he not threaten to hang you at the yard-arm if you ever concealed any one on board again?

Ans. He said I deserved to be hung.

Thomas S. Hammersly, a lieutenant in the navy of the United States, a witness produced by the judge advocate, being duly sworn, according to law, deposes and says: I commenced the cruise on board the Franklin as the third lieutenant, in the absence of Mr. Weaver, and continued on board during the whole cruise, with the exception of three months that I was on a separate command. By some changes that occurred I became second lieutenant, and in the absence of Lieutenant Hunter acted as first. We fell in with the Canton at St. Juan Fernandez. We sailed from there together; soon after separated, and entered the port of Valparaiso together. I do not know what cargo she had, or whom she belonged to, or who were interested in her cargo, nor what was her ultimate port of destination. We arrived at Valparaiso, I think, in February, and sailed in May. I believe there were articles received on board the Franklin from the Canton; there was wine and canvas. I do not remember any others. I do not know how much of each. The Canton landed part of her cargo at Valparaiso. I do not know of what it consisted. After leaving Valparaiso, the Canton accompanied us to Arica. The Pearl was in sight generally during the passage, and we fell in with the Sarah on our way down. During the passage down the Franklin shortened sail, and was delayed for the Canton and Pearl both. When we sailed from Valparaiso I considered both vessels under convoy. Afterwards I received directions from Lieut. Mayo, when I relieved him, not to consider the Pearl as under convoy, or to consider her at all. This was the usual way of passing the orders to the officers of the deck. I recollect an instance during the passage in which the Canton shortened sail for some purpose. When she shortened sail the Pearl was astern; night came on, and when the Canton hove in sight the Franklin filled away again; both were in sight the next morning. The Canton and Pearl came to anchor together with us in the port of Arica. I cannot remember whether the Sarah did or did not; we fell in with her on the passage, and she was generally hovering about us. The Canton discharged part of her cargo at Arica. The Pearl, I understood, was bound to the northwest coast, and landed nothing. The Sarah, I also understood, had nothing in her. I do not know that anything was transhipped from the Pearl to the Canton at Arica. I visited her, by order of the commodore, in company with Lieutenant Hunter. The object was to ascertain whether she had landed any of those arms she had on board. I think there were four cases, bound to the northwest coast. The amount of arms on board agreed with her manifest, bill of lading, and invoice, which she had brought from the United States. We remained at Arica about three weeks; it is a good harbor for those seas, where the wind never blows. It is land-locked only on one side, to the southwest, by a small island, and to the eastward by the main land. The officers went on shore daily. No other vessels were in port excepting those which went in with us. A French ship, the Telegraph, came into the offing, but did not anchor. The patriot schooner, the Sacramento, of about seventy or eighty tons, and one gun on a pivot, also came in. I believe no other vessel went with us from there but the Canton and the Waterwitch, which we built there, and which we towed down to Quilca. I cannot say whether we waited for the Canton, or whether she was ready first; I do not know of anything that detained us at Arica for three weeks; I think it was perhaps

the situation of the Waterwitch. The object of going to Quilca was, I presume, to convoy the Canton. Quilca was the better place for building the schooner. We remained at Quilca till some time in August; I think about three weeks or a month. The Canton remained at Quilca the whole time we were there; besides her, the Telegraph came in, and two patriot men-of-war, one of them the brig Belgrano, the other a schooner the name of which I do not recollect. The Belgrano carried about sixteen or eighteen guns, the schooner about twelve or fourteen. Both the Canton and Telegraph landed articles there; the Canton the whole of her cargo. The Telegraph had landed but a small part of her cargo when she was captured by one of the patriot men-of-war. When captured she was lying about three cables' length from the Franklin. The Canton was, perhaps, about the same distance. At Quilca we did on one occasion receive bread, beans and butter, but I cannot say whether it was at this time; I believe it was at another time. We went from Quilca to Calloa, the Canton in company. We parted company with the Canton off the Island of Lorenzo, just off the harbor of Callao, she being bound, as I understood, to Guayaquil. The Waterwitch left us at Quilca, under the command of Lieutenant Henry, for Guayaquil, and rejoined us at Callao. She sailed for Guayaquil a few days before the Canton. Mr. Ward came from the Canton on board the Franklin, off Callao. Captain Smith went on board the Franklin, from Quilca to Callao. Captain O'Sullivan commanded the Canton, and was never on board the Franklin, except as a visitor. The night we parted company with the Canton a part of her cargo was put on board the Peruviano, then in tow of the Franklin in an unfinished state, and carried by her into the harbor of Callao. I do not know of what it consisted, nor of how many bales. At Quilca we received on board a quantity of specie, which I understood was money of Capt. Smith, the proceeds of the cargo of the Canton, and some belonged to an Englishman named Long; it was brought on board in the boats of the Franklin, principally at night. Lieut. Henry had charge of the boats; there were more boats than one, and there were other officers; I know of instances of money being brought on board at Callao about the persons of individuals; I do not know whether it was in their pockets or otherwise; it was secreted about them somehow; it occurred frequently in the daytime; it may have been sometimes at night. The persons who brought money on board were Americans, in all cases that I know of. It was frequently the case that money was transported from the Franklin to ships bound to sea, which had been deposited for safe keeping on board us. In the case of the Cora, money was taken to her after she was under way going to sea; she was an American ship. This was at Callao; I believe there was but one boat, and Lieut. Goldsborough had charge of her; I think it was at night. I do not know what is the export duty on bullion, specie, &c.; I believe it was five per cent. Captain Smith joined the ship either at Arica or Quilca; I understood, at the time, he was concerned in the cargo of the Canton, but do not positively know it. We took him to Lima, to Quilca, and to Valparaiso; he was on board near a year. He frequently visited the shore, and I presume was engaged in his business as a merchant. I do not know of his carrying dispatches; he went in a boat with an officer to board the Telegraph, off Arica; my impression was he went from curiosity. There were no goods, or samples of goods, received on board the Franklin from the Canton. I was on board the Franklin when Captain Smith went on board the Dolphin; I do not know what he took with him. He went on board the Dolphin from the shore; that was at Valparaiso, on our first visit there. On our first visit at Callao, we remained there about two months. That place was in possession of the patriots. We received at Rio Janeiro the first information of its having been captured from the loyalists. I think we left Calloa the last day of September. During the time we were there, Captain Smith continued to make his home on board the Franklin. When he first came on board the Franklin he came from the shore, not from the Dolphin. We sailed from Callao for Quilca. A military expedition was fitting out from Callao while we were there, for the Intermedios. I think it sailed before us. I think the commodore waited some time at Callao after he was ready, in pursuance of a request that was made him from the authorites on shore, in consequence of the sailing of this expedition. It was on that occasion that Madrid was on board. I never saw the man myself. I do not know of any articles being sent on shore, from the purser's department, at Arica, in the summer of 1822; nor have I any knowledge of any musket cartridges, or other military stores going on board the Canton from the Franklin. From January, 1824, till April of the same year, I was on board and in command of the Amanda. We fell in with her between Molliendo and Quilca. The commodore hired her for the purpose of going in pursuit of the piratical vessel, the Qintanilla. We got some guns and ammunition from the American ship, the Arab; otherwise, she was armed and equipped, as well as manned, from the Franklin. My first cruise was from the place where we first fell in with her, perhaps from Quilca, up the coast as far as Arica. There I rejoined the Franklin at Quilca. Was again fitted out and sent off Chiloe in pursuit of her, after running down the coast about seven hundred miles. There was no other object in fitting out the Amanda. None other embraced in my orders, either verbal or written, than what I have mentioned. The first time we went from Valparaiso to Quilca, we took in two horses, and at Arica we took on board a third. These were all left at Callao. One was a pony, the other two the commodore's carriage horses. On our second cruise down the coast, we took on board also at Valparaiso three horses; we landed two of them at Quilca, the third was a riding horse of the commodore, which we left at Callao. Callao was then in possession of the patriots, and Quilca of the royalists. I do not know what became of the horses landed at Quilca. I never was in the royalist army after that. Convoy was given by the Franklin to the Canton, Chauncey and Dick, all American vessels. I do not recollect any others. I know of no instances in which it was refused. The captain of the Pearl complained to me that the commodore had refused him convoy. I do not recollect anything of the Brilliant. I saw Captain Adderton twice, once at Quilca. He commanded a brig, I think the Sarah Ann. The second time I saw him he commanded a ship. I do not know that he was ever refused convoy. I do not know that he ever applied for or received convoy. I remember the ship America; she sailed from New York about the time we did. We fell in with her at Rio Janeiro. We met her next at Valparaiso. She came off there while we were there. Lieutenant Weaver was on board the America at that time. I understood he carried out stores for the Franklin. Those stores were taken on board the Franklin at Callao. I believe the first time we were there we saw nothing of Mr. Weaver, after seing him at Valparaiso during the residue of the cruise.

Cross-examined on the part of the accused:

Question. At the time you have stated that the Canton shortened sail, had not the wind been very light all day, and the Canton ahead of the Franklin, and the Pearl out of sight astern? Did not the Canton in the evening shorten sail to drop astern into her station? Did not the wind freshen up strong and leave the Canton; and was not a signal made to the Canton to make sail and keep up?

Answer. The Canton was sometimes ahead of us. I think that at the time alluded to she was astern when she shortened sail. There was, I believe, a signal made for the Canton to keep up, and that the wind had freshened up before the signal was made.

Ques. Is there any protection for merchant vessels at any of the ports of the Intermedios, except that which the ships-of-war of the nations to which they belonged offered? Have you not seen British and French ships-of-war at those ports affording such protection, and receiving the proceeds of their cargoes in bullion on board?

Ans. There is no other protection. I have seen such protection afforded by British and French men-of-war, and have seen them receiving on board the proceeds of their cargoes in bullion.

Ques. Was there any protection afforded by the Franklin by force of arms, or in a threatening of force to any vessels at Quilca?

Ans. I was not present at the interview between Captain Prunier, of the Belgrano, and the commodore. I know of no other instance. We were never in company with any patriot men-of-war afterwards at any lawless port.

Ques. If the boats of the Franklin had not been sent for the specie and bullion taken on board at Quilca, would it not have been necessary to have got the Franklin under way to go for it?

Ans. They had no boats at all at that place, nothing but skins filled with wind; and it would have been very unsafe to trust specie in them the distance of several miles, which the boats went.

Ques. On what occasions, by whom, and what amount was brought on board the Franklin—the specie you have mentioned—about the persons of individuals? Was it done with the knowledge or permission of Commodore Stewart?

Ans. There were several persons on several occasions. One was, I believe, the captain of an American brig there, whose name was Captain Baldwin. I have no recollection of the other individuals. I do not know whether it was with the knowledge or permission of the commodore or not.

Ques. Were the moneys you have mentioned brought from the shore or from vessels, and had the duties been paid on the same or not?

Ans. That I cannot possibly say.

Ques. How and from whom did you understand that a request had been made by the authorities of Lima to delay the sailing of the Franklin?

Ans. I cannot say. It was a general subject of conversation among the officers, that such request had been made.

Ques Do you know of any information conveyed by Commodore Stewart, or any other person, with his knowledge or permission, of an expedition that had sailed or was to sail at any time from Callao for the Intermedios?

Ans. None that I know of. When we arrived at the Intermedios we found them apprised of the fact

Adjourned till ten o'clock to-morrow morning.

TUESDAY, *August* 23, 1825.

The court met pursuant to the adjournment of yesterday. Present: all the members of the court (excepting Captain Brown), the judge advocate, and Captain Stewart. Captain Brown still continued absent from indisposition. The minutes of the proceedings of yesterday were read. The examination of Lieutenant Hammersley was resumed:

Question. (By the judge advocate.) How many times was the crew of the Franklin exercised at general quarters during the cruise?

Answer. I do not recollect positively. I think oftener than three or four times, but cannot recollect. They were regularly exercised by divisions, when the weather would permit and not prevented by duty, as frequently as on any ship I ever was on board of.

Ques. Were the guns on the lower deck regularly exercised?

Ans. They were not as regularly exercised as the other guns while we were at the Intermedios; the sea rolled so much as to prevent it; and at other times the work going on on that deck, and the ship's duty, prevented it. The men belonging to that deck were frequently, however, exercised on the upper deck.

Ques. (By the court.) Were the guns of the Franklin at all times kept in a proper state for action?

Ans. The guns of my division always were. I had the command of several divisions at different times during the cruise. They were never deficient in anything.

Samuel B. Bannister, a witness produced by the judge advocate, being duly sworn according to law, deposes and says:

I was on board the Franklin during her late cruise in the Pacific, in the capacity of sailmaker. The stores of that department were laid in at New York on the requisition of Captain Evans. The supply for the cruise was ample when we sailed. We took in more at Valparaiso, on our first arrival on the coast, about the latter part of March, 1822. We took on board ninety bolts of Russia canvas. They were procured from the merchant ship the Canton. There were twenty-four bolts of it used during the cruise for the Franklin. We brought home about nine yards of Russia canvas, eight pieces of raven's duck, and six pieces No. 1 American canvas. Thirty bolts of the canvas procured from the Canton went on board the Constellation, and thirty-six bolts were used for the sails of the Canton. The sails for the Canton were made in August, 1822, by the request of Lieutenant Hunter, by me, on board the Franklin. In August, I think, they were put on board the Dolphin to take them to the Canton. When purchased, this canvas was entered on the books of the Franklin and charged to her. It was procured by the requisition of Lieutenant Hunter. I had not, at the time called for, any further supplies for the sailmaker's department; none were required. There were some other articles used from my department for other vessels, all of which were returned,—some I allude to for the use of the schooners that were built out there.

Ques. (By the court.) How did you determine that the quantity of sailmakers' stores received at New York were sufficient for the cruise? Is there any established regulations on the subject, or does it depend on the judgment of the commander?

Ans. It depends entirely on the judgment of the commander. I received an order to make out an estimate for a three years' cruise, which I did according to the best of my judgment.

Ques. (By the same.) Did you call for any further supplies of stores at any time during the cruise?

Ans. Yes. There were ten bolts of English canvas that I called for at Valparaiso, in November, 1823, ten bolts of raven's duck in March, 1824, at the same place, twelve bolts of Russia canvas about the same time, at the same place; all after these were purchased from the Canton.

Ques. (By the same.) How was the canvas used for the Canton, accounted for on your books?

Ans. It was scratched off entirely, no requisition appeared for it; that for the Constellation was entered expended, on my books, for the use of that frigate.

Ques. (By the same.) Was it easy or difficult to procure canvas in the ports on the Pacific, if it had been wanting?

Ans. It was difficult.

Cross-examined on the part of the accused:

Ques. Did you receive any other stores belonging to the department of any other officer? what were they, and to whose department?

Ans. I received a quantity of nails and spikes belonging to the carpenter's department. I received them at Valparaiso, in lieu of some nails and spikes that had been used in building the Robinson Crusoe. The carpenter was at that time suspended, and, as I was going to get the canvas, I took an order from Lieut. Hunter for them. He requested me to go to the carpenter's yeoman to obtain a list of the articles that had been used in the Robinson Crusoe, that they might be replaced.

Ques. Did you not sign the requisition on Mr. Hogan for the canvas you say was procured from the Canton?

Ans. No.

Ques. Were you and your crew compensated for making the Canton's sails—and by whom?

Ans. We were paid eighty dollars by Captain O'Sullivan; it was not a full compensation for the work done; a fair price for the work done would have been about an hundred and fifty dollars. I made no charge, but left my compensation entirely to the generosity of Captain O'Sullivan. Captain Stewart did not interfere about it.

Ques. Were they copper or iron nails and spikes you received from the carpenter's department?

Ans. I do not recollect particularly, but think there were some copper and some iron.

Ebenezer Ridgeway, a lieutenant in the navy of the United States, being duly sworn according to law, and interrogated by the judge advocate, deposes and says: I was on board the Franklin during her late cruise, as fourth lieutenant. I know that a man of the name of Madrid came on board the Franklin at Callao, while we were getting under way. I do not know how he came on board. I saw him after he was on board, two or three days after. I do not know how he got on shore. The morning after our arrival at Quilca, a message came up from the cabin, by a servant, that the officer of the deck would permit this man to go on shore in a market boat. I informed the servant he might go, but did not see him. The request came in the name of Mrs. Stewart. I saw him afterwards at Callao, on board the Franklin, and also on shore on horseback. He was said to be a colonel by the officers of the ship. When I saw him he was dressed in the Spanish uniform. He came on board the Franklin in his uniform in a shore boat, on the second occasion. I did not at first recognize him as the same man who had been in the pantry, but after hearing who it was, I recognized him. At Quilca money was brought on board the Franklin at night. It was not my watch on deck. I did not see it when it was hoisted on board. I saw it afterwards. I know of no instances in which it was brought on board about the persons of individuals. There was some money brought on board at Arica, at night, in our whale boat, in charge of Lieut. Henry. I remember two horses taken on board at Valparaiso, and landed at Quilca. I do not know what became of them afterwards. I never saw either of them in the possession of Commodore Stewart or Captain Smith afterwards. I cannot recollect how frequently the crew of the Franklin was exercised at general quarters during the cruise; it was, I presume, from six to eight times. The guns were always kept in a state for action. When the Telegraph was boarded off Arica, I was on deck, not the officer of the deck; I think Captain Smith was in the boat, and the officer, a midshipman. I do not know who made the report when the boat returned.

Cross-examined on the part of the accused:

Ques. How long after the man went on shore at Quilca did you see him at Callao?

Ans. About eight months I presume—I only saw him on board once at Callao.

Ques. Were the guns frequently exercised by divisions?

Ans. Yes.

Ques. (By the court.) Did Commodore Stewart know Madrid or notice him when he came on board the second time?

Ans. Commodore Stewart saw him but did not appear to know him, bowed to him as he would to any other officer. No conversation occurred, and no stop was made as they passed each other. Spanish officers frequently came on board to visit the ship. There was another officer in company with him at the time. He went below—where he went I do not know. He afterwards came up, and again went down in the poop cabin, and Mrs. Stewart also went in.

Ques. (By the same.) You say money was brought on board the Franklin at night, but that you did not see it hoisted in; be pleased to state to the court when you did see it, and how you know it was received at night.

Ans. I saw it next day, and frequently after in the room where it was kept. I know the boats went away in the evening, it was understood after money, and this was said to be the money brought.

Ques. (By the judge advocate.) Do you know of any instances in which money was sent from the Franklin to vessels bound to sea and under way, or at sea and at night?

Ans. Yes. I think we sent money at Callao on board a vessel, the Cora, I believe. She was standing out to sea in the evening. I believe Mr. Goldsborough was the officer. I do not recollect any other instance.

Henry W. Ogden, a lieutenant in the navy of the United States, being duly sworn according to law, and being interrogated by the judge advocate, deposes and says: I was on board the Franklin during her late cruise in the Pacific; sailed as the seventh lieutenant on duty. I know of an instance of money being brought on board the Franklin at night in the middle watch, in, I believe, the second cutter, under Lieutenant Henry and Midshipman Goldsborough. In one instance the captain of the Cora brought

specie on board; he had it concealed under his clothes; he told me he had it there, and that it was on government's account, by an arrangement between him and Mr. Fitzgerald, the purser. These are the only instances I recollect in which money was brought on board in that manner. I know of no instances in which money was carried on board ships bound to sea and under way. Two horses taken on board at Valparaiso were landed at Quilca; I do not know what became of them, further than that I saw one, which I took to be one of them, afterwards in the royalist army near General Canterac's tent. From the appearance of the horse, I thought it was the same horse we had brought down; through the medium of an interpreter, I asked a clerk of Canterac's if it was not the same. He replied that it was, and that the black horse, his companion, was feeding in the field. I did not see any other than the bay horse. The other horse we landed at Quilca was a black horse. This was several months after the horses were landed. It was about half way between Lima and Callao, in the royalist camp. When the horses were landed at Quilca, that place was in the possession of the royalists. General Canterac was not at Quilca —he was in the interior. I do not know of any intercourse between Commodore Stewart and General Canterac either before or after that event. I was on board during the whole period of the cruise, except in a few instances in which, for a few days at a time, I obtained leave of absence to go into the country. Mr. Sands was arrested, I think, on the 8th October, 1823, and his trial came on in the month of April following. He was confined to his state room, a small room; he was confined until about the middle of June, 1824, when he was given some permission which was construed into a permission to walk the main deck, of which he availed himself. After his original arrest, I believe on the following day, Mr. Sands had a quarrel with Lieutenant Hammersly, in consequence of which the close confinement was ordered. I know of no other difficulty between him and any other officer on board. I heard of one with Lieutenant Henry. It was upon charges growing out of the affair with Lieutenant Hammersly that Lieutenant Sands was tried in April. I know nothing of my own knowledge of the circumstances of the quarrel. An application was made on the part of nearly all the commissioned officers of the ship to Commodore Stewart to admit Mr. Sands to limits usual in such cases of arrest. This was in writing. It was made I think about the beginning of June, 1824, and was answered in writing. It was signed by me, because I saw Lieutenant Sands' situation was a very uncomfortable one. We were approaching a very boisterous latitude, where the floor of his room was very frequently covered with water. He complained very much of rheumatism in his face, and had a tooth extracted in consequence of it, and I thought it would benefit his health very much if he could be permitted to walk in the dry parts of the ship. On one occasion I went to his room, found the floor covered with water, perhaps two inches deep, he sitting with his feet up on a settee, and I thought if by any exertion of mine his situation could be ameliorated it became me to make it. The character of Mr. Sands as an officer and a gentleman stands very high. I know of none that stands higher in the navy. I consider it altogether unexceptionable. I do not know that Mr. Sands ever consulted me about any application by himself to Commodore Stewart to be enlarged from his confinement. He informed me that he had applied. He made an application to Commodore Stewart at Valparaiso, soon after his confinement, to go on shore, to leave the ship under arrest, and subject to Commodore Stewart's orders. Mr. Sands frequently complained of rheumatism in his jaw brought on by the dampness of his apartment; no complaint of general indisposition, further than a complaint of general debility. The proceedings and sentence of the court-martial, which sat in April, 1824, were never promulgated on board the Franklin previous to our arrival in New York. He was treated in the same manner after the court rose as before, until he was enlarged in June, 1824. I have no distinct recollection of the number of times that the crew of the Franklin was exercised at general quarters during the cruise. It was perhaps as many as four or five times. The men appeared pretty expert in performing their various duties in relation to the management of the guns. There was some confusion in the crew in understanding the various signals. I had generally to intimate to them the meaning of the different signals to the boarders, firemen, and sail trimmers. During the cruise I commanded all the divisions on the two gun-decks except one. The men on the lower deck were always exercised at division exercise on the main deck. Such were the orders I received. There is a difference in the exercise of the upper and lower decks of a seventy-four; in the latter, there is to be an exercise of the ports. The divisional exercise upon the two upper decks was frequent. I think the guns of the Franklin were always in a state for action; so far as the divisions I commanded I know them to have been so.

Question. (By a member of the court.) You say, sir, that the appearance of the horse you saw in the royal camp was the same as of one of those landed from the Franklin. Do you know, of your own knowledge, that he was one of the horses landed from the Franklin; or did you never see two horses so much alike, that one has often been taken for the other?

Answer. I have seen two horses very much alike. He was sufficiently alike to induce me to ask the question. From my own knowledge I do not know he was the same; that information I acquired from the person of whom I asked the question. I have seen two horses that have been taken the one for the other.

Question. (By a member.) Do you know of any instances of the neutral character of the squadron being violated? If so, relate them.

Ans. None that I know of.

Cross-examined by the accused:

Question. In whose possession was the bay horse you saw in the royal camp?

Answer. He was standing near the tent of Canterac, among a number, without any equipments on. I do not know in whose possession he was.

Ques. Was it a practice with the armies of both the royalists and patriots, to impress horses for the public service when an expedition was preparing?

Ans. It was the practice among the patriots. I have seen them take horses. I do not know as to the royalists.

Ques. Were any reasons offered to Captain Stewart for the liberation of Lieutenant Sands, more than those mentioned in the written application?

Ans. Not that I now of. I believe there was an application by Dr. Saltar also.

Ques. Did not Lieutenant Sands often, during his arrest, leave that arrest, and particularly go on an expedition in the Franklin's boats, in which you had a command, against the brig Quintanilla?

Ans. I do not know that he did. I never heard from him that he did. As to going on the cruise against the Quintanilla, I commanded the boats, and did not know he was on board. I heard him afterwards relate some circumstances which induced the belief that he was there; but he never said in my hearing that he actually was.

Ques. Was he, to your knowledge, at any time during his arrest placed on the sick report?

Ans. Not to my knowledge.

Ques. Was there any sentinel at his cabin, and did he not go and come during the whole time at his own discretion and responsibility?

Ans. There was no sentinel. He went and came at his own responsibility.

Ques. At the time the man named Madrid came on board the Franklin, at Callao, in uniform, were you the officer of the deck, and what passed on that occasion?

Ans. Midshipman Porter was officer of the deck at the time he came on board; but I was on deck and received him at the gangway. There was one with him who appeared to be a brother officer, and an interpreter. The interpreter pointing to one of them said, that is the man who went in the ship from Callao to Quilca, and he wishes to see Mrs. Stewart. I accordingly sent a messenger to Mrs. Stewart, that there was a gentleman on board who wished to see her. While these three persons were standing with me on the quarter deck, Commodore Stewart came out of the poop cabin, and spoke to them in a polite manner. I mentioned to him that that was the man who had gone in our ship from Callao to Quilca. He immediately left them, and went below without making any reply. I then left them myself and went below. Afterwards Mrs. Stewart passed me while I was on the gun deck. I told her that the person that was on the quarter deck wished to see her; she turned off and went into the poop cabin without speaking to them, as I saw.

Ques. Did you not ask Commodore Stewart if he knew who that man was, and what was his reply?

Ans. I do not recollect asking him. I told him who the interpreter told me he was; but I do not recollect any reply.

Ques. How long was this after you had taken him to Quilca?

Ans. About two years, I believe.

Ques. When the Baron de Mackan wished to tranship some money from the Clorinda, French frigate, to the Franklin, at Callao, did you wait on the baron on that subject? What were the commodore's directions on that occasion, and what was the baron's reply?

Ans. I do not recollect any message given me by Commodore Stewart. When, on the part of the Baron Mackan, I requested Commodore Stewart to receive the money on board the Franklin, the commodore replied, as well as I can remember, that he had no objection to receive it if it was neutral property. I told him the baron assured me he had every reason to believe it was neutral property, belonging to two merchants, Drewicke and Schatte, the one an American and the other a Prussian; but as it had been shipped by Felinci, a Spanish merchant, who held his receipt, and to whom only he considered himself responsible, he wished Commodore Stewart would receive it, and not deliver it until said receipt could be taken up.

Ques. Do you know of any instances when the signals were made to the boarders, firemen, or sail trimmers, that they did not come to the call of the signal?

Ans. I have known instances in which, as officer of the division, from the men not understanding the signals, I was obliged to tell them what was meant. This was about the middle of the cruise.

The court adjourned till ten o'clock to-morrow morning.

WEDNESDAY, *August* 24, 1825.

The court met pursuant to the adjournment of yesterday. Present: all the members of the court, the judge advocate and Captain Stewart. The proceedings of yesterday were read.

Lieutenant Ogden further examined on the part of the accused:

Question. On our passage from Valparaiso to Arica, with the Canton, did you receive any directions relative to the Pearl?

Answer. On the passage from Valparaiso to Arica I was officer of the deck one day. I reported to Commodore Stewart that the Pearl was nearly out of sight; he replied never mind the Pearl, the Canton is the only vessel that you have to look out for.

Ques. Did you at any time receive orders to look out for the Pearl, which induced you to suppose she was under convoy?

Ans. I never received any such orders.

Ques. Was the clerk of Canterac present at Quilca, and did he see the horses landed from the Franklin?

Ans. Not that I know of.

Ques. (By the judge advocate.) What orders were given in relation to the convoy of the Canton, and why did you conceive it your duty to report the Pearl to the commodore?

Ans. No orders that I recollect were given in reference to either the Canton or Pearl; both sailed with us, and I considered them as equally under convoy.

Isaac Mayo, a lieutenant in the navy of the United States, being duly sworn according to law, and interrogated by the judge advocate, deposes and says:

I was on board the Franklin during her late cruise in the Pacific as her second lieutenant. I joined her in that capacity at Valparaiso in May, 1822, and left her in January following, when I returned home by the way of Panama, carrying dispatches. I went out in the Dolphin, as far as Rio Janiero, there went on board the Franklin as a supernumerary, being sick. I knew nothing of the Canton until I saw her in the Pacific; had heard of her frequently during our cruise round. We separated from the Canton after leaving St. Juan Fernandez, but entered Valparaiso together. I do not recollect being ever on board the Canton at that place; I do not know what cargo she brought out with her, or what became of it. I went up to the neighborhood of Quilca, in consequence of the state of my health, and only returned a few days before we sailed. About the fourth or fifth day out from Valparaiso Commodore Stewart came on deck during my night watch; asked me if the Canton was in sight. I informed him she had been reported to me about five minutes before. The commodore wished to know in what direction she was; I discovered the ship, pointed her out, and satisfied him that she was in company and near. In the act of leaving the deck, the commodore directed me not to lose sight of her, as she had a valuable cargo of American property. This order I passed to Lieutenant Hammersley, when he relieved me. The commodore named some amount as what the Canton was worth, but I cannot recollect precisely what it was. No directions were given in reference to the Pearl or the Sarah, which were near the Canton, and con-

tinued near her, which induced me to suppose they were not considered as under convoy. I had received no instructions in relation to the Pearl, and communicated none. When we arrived at Arica we found none of the authorities of the country except the governor of the place. A Spanish general, Liera, arrived there a few days after. Cannot say whether any of the authorities with whom a foreign nation would hold political or civil intercourse. There were no American vessels at Arica when we arrived there, excepting the Canton and the Pearl, which accompanied us, and none arrived during our stay. The Canton landed part of her cargo at Arica. The cargo was principally landed by the means of balses, small leather boats. The boats of the Franklin did not, to my knowledge, assist. We went to Quilca in company with the Canton alone; I cannot remember what vessels were there. Quilca cannot properly be called a town; there are probably a dozen or more reed and mud houses.

Charles G. Ridgely, a captain in the navy of the United States, being duly sworn according to law, (a witness produced on behalf of the accused by consent, and being by him examined) deposes and says:

Question. Were you in the Pacific, in the command of the frigate Constellation, in 1822, while Captain Stewart was there in command of the Franklin?

Answer. I was.

Ques. Did you receive from Captain Stewart thirty bolts of canvas for the use of the Constellation, and did you understand whether it had been procured from the Canton?

Ans. I did receive thirty bolts by a requisition made by me on Commodore Stewart. I understood from Commodore Stewart that it came from the Canton.

Ques. Is it not the practice of American and other ships-of-war to give passage in their cabin to citizens as well as foreigners?

Ans. It is always the practice to take gentlemen without compensation. A British vessel, at my request, carried some American gentlemen round from Rio to the Pacific.

Ques. Is it the practice of American and other ships-of-war to take specie and bullion on board for transportation or safe keeping, and to receive a per centage therefor, being merchant property?

Ans. Yes.

Ques. Is it the practice of American and other ships-of-war to permit their mechanics and crew to work for other vessels, receiving compensation therefor; and also to furnish them with rigging and other materials they may be in need of, taking pay therefor, or having them returned?

Ans. Such was the practice while I was in those seas. On one occasion I remember furnishing an American captain with two dozen muskets for the purpose of protecting himself against patriot cruisers, on his giving me a receipt, promising to return them in the United States on his arrival.

Ques. Did you ever prevent a patriot force from going on board an American merchant vessel?

Ans. I prevented a patriot officer, said to be acting under the orders of Lord Cochrane, from going on board an American vessel lying in the port of Callao.

Ques. Did you inform Commodore Stewart of the loss of an American whale ship, on the coast of Pitac, which was seized by the authorities, and request him to send a vessel to her relief?

Ans. Yes; Pitac is a place about a degree to the south of Guayaquil, under the government of the patriots, having been conquered by San Martin; Guayaquil was under an independent government of its own.

Ques. (By the judge advocate.) What amount of specie had you on board the Constellation, belonging to Capatin E. Smith? when taken on board, where was it to be delivered?

Ans. I do not remember the amount, nor was there any positive agreement where it was to be delivered. It was subject to his order. I brought home near $200,000 which he had shipped, consigned to merchants in Boston.

Ques. (By the same.) Did he bring on board any other articles than specie?

Ans. Yes. He brought on board some chinchilla skins, unknown to me.

Ques. What became of them?

Ans. I reported them to the collector at New York. He wished to take them out at Valparaiso. I would not let him, as he had brought them on board unknown to me. I determined to bring them to the United States.

Ques. How did they come on board?

Ans. On my arrival at Molliendo in March, 1822, I wrote a letter to Captain Smith, then at Arequipa, telling him I had arrived at Molliendo, agreeably to his written request, to carry away his money belonging to American citizens. At the same time I mentioned and advised, if he had any goods on hand, to sacrifice them for whatever he could get, as I believed that Arequipa could not hold out much longer, and that he knew from sad experience that should he be in Arequipa when the patriots came in, he would again be plundered. I therefore recommeneed him to come on board with all his treasure. After waiting, by his request, several days, he sent me a dispatch that he would be in Molliendo by a given day, prepared to embark with everything he had. The distance from Arequipa to Molliendo is, I understand, from sixty to ninety miles—a sandy, barren soil, where no water or provisions of any sort can be procured for man or beast. I was therefore not astonished to see Captain Smith approach with a retinue of near two hundred mules. One-half are required to carry provisions and water. I, immediately on seeing him, about three or four o'clock in the afternoon, sent the boats on shore under the orders of my first lieutenant, Mr. Clark, to bring Captain Smith and all his things on board. Before anything was on board, it was, I presume, nine or ten o'clock. When the land breeze made, about one or two in the morning, I tripped anchor and went to sea The next day, about eleven or twelve o'clock, Lieutenant Clark asked me what was to be done with those boxes. I told him to stow them away with the rest of the money. He told me they did not contain money, but other articles; and then I first knew that these things had been brought on board, having before thought it was all money. I immediately called for Captain Smith, stated to him the impropriety of what he had done, and asked him why he had done so. He replied that in consequence of my letter he had sacrificed part of his cargo, goods on hand, and was compelled to take those chinchilla skins from the person who was to have paid him in cash, but who could not do it within the time limited for my stay. I told him as they were there, I would not permit him to land them, but should bring them to the United States. Had I known them to have been skins on the beach, I should not have received them. Perhaps, considering the state of things there, I might have been justifiable in receiving them. Another reason why in that instance it might have been done

was that the patriots had taken Captain Smith's brig, the Macedonian, without any cause, which they afterwards restored to him and promised to make compensation for the use of her.

Ques. How much of Captain Smith's money did you put on board the Franklin?

Ans. I think there went from my ship to the Franklin about $120,000 of Captain Smith's money.

Ques. Was any money belonging to Captain Stewart brought home in the Constellation?

Ans. I sailed on the 7th May, 1822, from Valparaiso, for the United States. A day or two after I was at sea Lieutenant McCauley, second lieutenant of the Constellation, stated to me that he had on board $10,000, which was given him by Commodore Stewart to carry to the United States. I believe it was brought. I do not know to whom it was consigned or directed. I think Mr. McCauley said it was for his father.

Ques. You have said it was customary for American men-of-war in the Pacific to receive on board specie, &c., for deposit. Is it customary to have it brought on board secreted about the persons of individuals, or to send the boats of the men-of-war to bring it off at night?

Ans. I have never known it brought on board secreted about the persons of individuals. As an instance of its being brought on board at night, I refer to the bringing it at Molliendo, which I have mentioned. It is brought a considerable distance, and there is no security for it on shore. The Governor of Arequipa, on one occasion when Captain Smith had money coming down, requested me to land my marines to give protection to Smith's property as it approached the coast; that it was not in his power; which I of course refused.

Ques. (By a member of the court.) Did you receive any compensation for transporting the Chinchilla skins?

Ans. None whatever.

Ques. (By a member.) Do you not consider the practice of receiving money on board of our ships-of-war of essential service to American merchants in the Pacific?

Ans. Most assuredly.

Ques. When you took Captain Smith and his money on board your ship, could you have acted otherwise without subjecting yourself to censure?

Ans. I considered it my duty to take him, and his money, on board. Indeed, I invited him.

Ques. Were you frequently on board the Franklin? if so, please to say whether you did not consider her in excellent fighting condition, and calculated to reflect great credit on the naval service of our country.

Ans. I was frequently on board the Franklin at Valparaiso, and considered her in very superior order; this was the general opinion.

Ques. In getting money on board ship, is not the time regulated by the time of its getting to the shore from the interior? and could its arrival on board ship at a late hour properly subject the commander to a suspicion of smuggling?

Ans. It depends entirely on the time of its arrival, and the circumstance could not properly occasion any suspicion.

Ques. Are there custom houses on the coast, at points where it is usual to receive specie, &c., or do custom house officers attend to authorize its embarkation?

Ans. I never was on any part of that coast but Molliendo; there was only a temporary custom house. The custom house is generally at the seat of government, and officers sent down to the coast as occasion required.

Lieutenant Ogden, again called:

Question. (By the judge advocate.) Look at the paper shown you. Is that the application alluded to in your testimony yesterday, as made by the officers of the Franklin to Commodore Stewart, on behalf of Lieutenant Sands?

Ans. Yes. (Read, annexed to the record, and marked 14.)

Ques. Look at the paper shown you, and say whether that is a copy of the answer?

Ans. Yes. (Read, annexed, and marked 15.) That was the only answer received to the application.

Ques. Look at the paper shown you. Is that the reply to the communication of the commodore?

Ans. Yes. (Read, annexed, and marked 16.) This paper alludes to the previous one, and this paper was shown to, and agreed to, by all those who had signed the previous one, excepting those whose acquiescence is expressly negatived.

Ques. Look at the paper shown you, and is that the answer of Commodore Stewart to this second letter from the officers?

Ans. Yes. (Read, annexed, and marked 17.) That is a copy of the paper received by me.

Ques. Look at the paper shown you. Is that your reply to the commodore, and the annexed the answer received from him?

Ans. Yes. (Read, annexed, and marked 18 and 19.)

Other papers on the subject were then read, annexed, and marked 20, 21, and 22.

The court adjourned till ten o'clock to-morrow morning.

THURSDAY, *August* 25, 1825.

The court met pursuant to the adjournment yesterday. Present: all the members of the court, the judge advocate, and Captain Stewart. The minutes of the proceedings of yesterday were read.

Lieutenant Mayo being again called:

Question. What do you know in relation to a Spaniard, named Madrid, who was on board the Franklin?

Answer. A man named Madrid, as I have since understood, went in the Franklin from Callao to Quilca. I saw him on board; I do not know how he came on board, or went on shore, or whether the fact was or was not known to the commodore. I had seen him at Callao before he came on board. He was in conversation with Mrs. Stewart. It was a few days before we sailed. He appeard to be urging Mrs. Stewart to let him come on board. She appeared anxious not to do so; to get rid of him. He reminded her of some person, a lady, in Lima. Mrs. Stewart inquired of me whether I did not want a servant, and whether I would not take him in that capacity. This I declined, being already supplied; he was not dressed either as an officer or a gentleman; he was in the common clothes of the country; I do not know by what title she addressed him; I took no interest or part in the conversation, until I was spoken to. Mrs. Stewart repre-

sented him as a poor man, who wished to leave the country to join his family at the Intermedios. I do not know that any report was made to the commodore of these facts, or that the man was on board. As second lieutenant, I thought it my duty to mention, and did it at one time at the mess table, in the presence of Lieutenant Hunter. I knew he was acquainted with the fact. I remarked there was such a man on board, and it was as well it should be known who he was; no notice was taken of the communication, and I had reason to believe the fact was generally known on board the ship. I had a conversation with Mrs. Stewart on the subject, after he had left the ship, and stated to her what the consequences might have been, had I taken the man as my servant. I also stated what the consequences might be to Commodore Stewart. She stated that he then knew nothing of it, and expressed a hope he might never hear of it.

John Downes, a captain in the navy of the United States, being duly sworn according to law, and examined by consent, on behalf of the accused, deposes and says:

Question. Have you commanded an American ship-of-war on the Pacific, and when?

Answer. I commanded the frigate Macedonian in the Pacific, from 1818 to 1821.

Ques. Is it customary for our ships, as well as others, to give passage at their pleasure to persons going from one port to another, in the course of cruise?

Ans. Yes; provided they did not belong to either of the belligerents. My orders from the government were, not to take of either party; they were otherwise without restriction.

Ques. Is it customary for our ships, as well as others, to take bullion and specie on board, for deposit or transportation, and to receive a per centage therefor?

Ans. Yes.

Ques. Is it customary for our ships to permit their men to work for other vessels, American or foreign, receiving compensation therefor? also, to furnish American vessels with rigging or other materials they may stand in need of, taking compensation therefor? Have you done so?

Ans. It is customary to allow the hands to work as mentioned in the question; on one occasion I furnished aid to a vessel which required some articles; they could not be procured in the port at which she was, and she could not sail without them. I took a bill in payment on the owners, which I forwarded to the Navy Department. The vessel which I thus supplied was the brig Macedonian, Captain Eliphalet Smith. The articles furnished were standing rigging; cannot say how much. I considered it the duty of the commander of an American man-of-war to supply vessels in all seas, and on all occasions, with articles of indispensable necessity which cannot be procured from the shore.

Ques. Have you taken money or bullion on board your ship from the shore by your own boats? Was this done at night, and why?

Ans. I have taken it on board between sundown and dark. My reason was that it had arrived at that time at Molliendo from Arequipa; there was no place of security in which to deposit it on shore; it would have been in danger of being stolen on shore, and I therefore sent my boats to bring it off.

Lieut. Ogden again called by the judge advocate:

Question. Will you be good enough to state the circumstances under which you signed the papers read yesterday?

Answer. The first application to the commodore was suggested to me, I think, by Doctor Salter. My reasons were that I considered the situation of Mr. Sands as a very uncomfortable one; and as the object of his close confinement was stated by Commodore Stewart to be to preserve the peace and harmony of the ship, I thought that an application of that kind from us would convince Commodore Stewart that no unfriendly feelings existed on the part of the officers generally towards Lieut. Sands, and that it was not necessary, on our account, but as he construed our motives into disrespect and interference with our duty, I gave my consent to the second paper, as an explanation of our motives. As that also appeared to fail of its object, I was willing, rather than it should be thought that I designed to treat my commander with disrespect, to cancel the whole by withdrawing my name; not from any change of opinion as to the propriety of what I had done, or that the situation of Mr. Sands did not require such an exertion on the part of his friends.

Ques. Had Lieut. Sands been tried before a court-martial upon the charges of misconduct alleged against him by Commodore Stewart and Lieut. Hammersley, mentioned in the paper read yesterday, addressed by the commodore to the officers of the ward room?

Ans. He had been tried upon the charges of Lieut. Hammersley, and many of those which were mentioned in the communication of the commodore. I was a witness on his trial.

Ques. How long before his trial in April did the alleged violation of his arrest occur, when he accompanied the expedition against the Quintanilla?

Ans. It occurred some months before, I think in January previous. It appeared from Commodore Stewart's letter, however, that he did not know of it until after the trial.

Ques. Did you know the result of that court-martial when you signed the papers alluded to?

Ans. I did not then, nor do I now.

Ques. In the note from Commodore Stewart to you it appears he indicated a wish to have a conversation with you on the subject of Lieut. Sands; was such conversation had, and what was the result of it?

Ans. I did call on Commodore Stewart in consequence of that letter; the result of the conversation I had with him was, that he refused to grant Lieut. Sands any extension of his limits, unless he would comply unequivocally with the pledge he had required of him. There was no new offer made. Commodore Stewart requested, in the conversation with me, that Lieut. Sands should surrender his right of self-defence into his hands; that he, as the commanding officer, was alone entitled to judge in such a case.

Ques. (By the court.) Did Commodore Stewart require any pledge from Lieut. Hammersley, and what pledge did Lieut. Hammersley give?

Ans. I know of none; Commodore Stewart told me that he likewise considered Lieutenant Hammersley culpable, and that if he had had officers enough on board his ship, he would have arrested him also.

Cross-examined by the accused:

Question. Was not Lieutenant Sands, at the time of your statement, then and afterwards during our cruise, making full and free use of the upper gun deck, at his own discretion and responsibility?

Answer. He was allowed the use of the main deck by a construction which he gave to the letter of

the commodore, read yesterday; after that he did walk the main deck, which he had not done before, for exercise. I know of no particular order on the subject.

Ques. (By the judge advocate.) After such enlargement of his limits did Lieut. Sands have any quarrel with Lieut. Hammersley or any other officer of the Franklin?

Ans. None that I know of.

Ques. (By the court.) Was Lieut. Sands strictly confined to his room with a sentinel placed over him?

Ans. There was no sentinel at his door; so far as I know he confined himself to his room as strictly as if there had been a sentinel.

Ques. (By the same.) Was Lieut. Sands permitted to go on the upper gun deck for his necessary occasions, and at his discretion, or was he first obliged to obtain leave, and was such his practice?

Ans. He was permitted to go at his discretion, and was not obliged to obtain leave, as far as I know.

Ques. (By the accused.) Was complaint made of Lieut. Hammersley to Commodore Stewart by Lieut. Sands or any other person?

Ans. Mr. Sands, in his letter to the commodore, stated Lieut. Hammersley to be the aggressor; no other complaint was made that I know of.

Joshua R. Sands, a lieutenant in the navy of the United States, being duly sworn according to law, and interrogated by the judge advocate, deposes and says:

I was ordered on the morning of the 8th of October, 1823, to confine myself to limits, by an order communicated to me by Lieut. John Harris, of the marines, from Commodore Stewart. I was ordered to confine myself to the ward room, with permission to go forward on the main deck to obey the calls of nature. On the following day, Lieut. Hammersley ordered me to confine myself to my state room. The order was given me to go, and Lieut. Harris was ordered to enforce it. I was informed by the officer of marines, who I requested to inform the commodore of the order of Lieut. Hammersley, that this order was sanctioned by him. Shortly after my confinement, perhaps an hour or two, I addressed a letter to the commodore on the subject, dated October 9th, 1823. My first letter was previous to my close confinement, but on the same day. To my letter of the 9th, after being ordered to my room, I received no reply; I addressed another on the following day, which was made the subject of a charge on which I was tried. Nothing occurred further for two or three days. A court of inquiry was ordered, composed of Lieutenants Hunter, Henry and Ridgeway, which met to investigate the subject. On the second or third day of their proceedings, I had occasion to complain that a fair record was not kept, and informed them that I should enter my protest against the proceedings. This protest was made and entered, followed by one from the judge advocate, Lieut. Grimes, of the marines. He stated he was compelled also to enter his protest. The court then did not meet for several days. The reason assigned was the indisposition of Lieut. Hunter. In the interval, at ten o'clock on the night of the 18th of October, 1823, Commodore Stewart addressed me the following letter, (marked —.) This was the night of the day that it was discovered or publicly made known that Madrid had been secreted in the pantry. I took the feelings of the commodore into consideration, and observed that under the circumstances I would write something soothing to the old man, or the commodore, and wrote him an answer, (marked —.) I conceived that I had in this letter given up as much as the commodore could in justice ask of me, or as I could in honor give. On the following day I was much disappointed at receiving the annexed communication from the commodore, not doubting that my letter to him would have been perfectly satisfactory to him. (Read, annexed, and marked —.) To this I wrote the following reply. (Read, annexed, and marked —.) To this I received a reply of the same date. (Read, annexed, and marked —.) This was followed by mine to the commodore of the 20th. (Read, annexed, and marked —.)

About the date of this last letter, through Lieutenants Grimes and Goldsborough, something like an offer was made to free me from all my difficulties, if I would agree to settle my differences with Lieutenant Hamersley—the commodore representing to them the good feelings he entertained towards me; that he considered me as an officer of promise, and that all that was necessary for me was to settle my differences with Lieutenant Hammersley. To this I paid no attention. I was informed, a number of days having intervened without any business being done before the court, that it would again assemble, as Lieut. Hunter was a good deal better. I prepared to appeal before it. I was then informed that Lieut. Henry had got suddenly unwell, and that the court would not meet on that account. A few hours after, I saw Lieut. Henry come on board, perfectly well, to all appearance. I directed my servant to make my respects to Lieut. Henry, and say I was happy to find he was so soon recovered from his sickness. He immediately came down into my room, and took a seat. I addressed him with remarking upon my unpleasant situation, my anxiety to proceed with the investigation, and asked him how it happened that he was so unwell in the morning, and, in a few hours, as well as I ever saw him in my life. He made some trifling excuses, of which I told him I doubted the truth. This was the only quarrel I ever had with him. The court of inquiry met the ensuing day, and finished their proceedings, and the result of which I have never heard.

A few days after, I was furnished with a copy of charges and specifications, with an order to observe the same limits to which I had been confined some time previous, with the privilege of going forward on the main deck to attend to the calls of nature. From that period, (which was in the latter part of October or beginning of November, 1823,) until April, 1824—I think about the 13th—I heard nothing more from Com. Stewart; but observed the limits, with but one exception. On the 13th April, I addressed a letter of Com. Stewart. I do not recollect receiving any answer to this communication. I was then informed by Mr. Tudor, acting judge advocate, that a court-martial would assemble, before which I appeared on the same day. The court proceeded to business. I objected to the judge advocate, which objections were sustained by the court, and he was set aside. About this stage of the proceedings of the court, Captain Isaac Hull received a letter, whereupon the court was cleared. On the opening of the court, I discovered that a member of the court, to whom I had likewise objected, had, as well as the judge advocate, resumed their seats.

I was remanded to my confinement, after appearing before the court, and addressed a letter to Com. Stewart on the subject, (read, annexed, and marked —,) to which I received the answer also read and annexed. At this time, I had appeared before the court and pleaded to the charges. After a few days, I again appeared before the court, again pleaded to the charges, and the investigation took place. After the trial was completed, we sailed for Valparaiso. On the 23d May ensuing, I addressed a letter to Com.

Stewart, (read, annexed, and marked —.) To this I received no reply. On the 4th June, I again addressed a letter to him. In the interim, a letter was addressed by the officers to the commodore, requesting an extension of my limits. Doctor Salter also addressed the commodore. The doctor informed me of the result of his communication, whether by letter or not I do not know. I addressed him a letter. On June 4th, after these circumstances, I again wrote to the commodore. (Read, annexed, and marked —.) Prior to this, I should have related that on the 10th May the commodore addressed me a letter, (read, annexed, and marked —,) covering the charges and specifications. On these charges I was tried by a court, after my arrival in the United States. At or about the time of the application of the officers for my enlargement, Lieut. Harris waited on me, and informed me that he had waited on Com. Stewart, to ascertain whether he was correct in his understanding of my orders and the limits assigned me.

In reply to my last letter to Com. Stewart, I received one from H. G. Ward, the commodore's secretary. About this time, an enlargement of my limits took place, so far that in going forward to obey the calls of nature, on the main deck, from the construction which Com. Stewart put upon this expression, it appeared that exercise was included, which I had never before understood. Under these circumstances, I availed myself of the main deck to take exercise, and remained under these circumstances until my arrival in the United States, having been nearly eleven months confined. I was on shore at Valparaiso on the 7th October, 1823, when I received an order from the commodore to come on board, to which order I replied by a note of the same day. I was under obligations of a personal nature to remain on shore; they grew out of the dispute with Lieutenant Hammersley. I remained on shore till morning, when I was informed by Lieutenant Harris that Commodore Stewart had directed him to bring me on board by force should it be necessary. Understanding from Lieutenant Harris that circumstances dispensed with my obligation to remain, I consented to go. He remained where he was, after receiving my promise to go on board, which I did immediately, and went to the limits that were assigned me by Lieutenant Harris when he came on board shortly after. This was on the 8th, and on the following day I wrote the first letter mentioned in my testimony.

Ques. (By the court.) Were you on the surgeon's sick report at any time during your arrest, and if so, for what period?

Ans. I was not on the surgeon's sick report, that I know of; I consulted him frequently, as I was much troubled with rheumatism and toothache. He was frequently in my room; spoke of my health, but no formal complaint was made by me.

Cross-examined by the accused:

Ques. Were you placed under the charge of a sentinel at any time during your arrest and suspension, and did you not have free ingress and egress to and from the gun decks?

Ans. No sentinel was placed over me. I had free egress and ingress to go forward to obey the calls of nature; nothing more, as I understood. In these walks I was in the constant habit of meeting Lieutenant Hammersley, and no difficulty occurred.

Ques. What has been Commodore Stewart's general temper and conduct to his officers and men? Has it been marked with cruelty and oppression?

Ans. No; on the contrary, as regards myself, I have no recollection of ever having received a censure or reprimand from him for two years previous, excepting that he once reprimanded me for swearing on duty.

Ques. State, if you please, what was the circumstance of a personal nature which induced you to disobey Commodore Stewart's order to go on board on the 7th October.

Ans. I had gone on shore for the purpose of fighting a duel with Lieutenant Hammersley; it had not been terminated, and I had stated to Lieutenants Ogden and Harris that I would not go on board ship until it was terminated. We had met once, the affair was undecided, and we were to have met again the following morning.

Adjourned till ten o'clock to-morrow morning.

FRIDAY, *August* 26.

The court met pursuant to the adjournment of yesterday. Present: all the members of the court, the judge advocate and Captain Stewart. The minutes of the proceedings of yesterday were read.

Lieutenant Sands again called:

Ques. (By the judge advocate.) Did you go on shore at Valparaiso on the 7th October, in consequence of a challenge from Lieutenant Hammersley, and when you parted did he promise to meet you again on the following morning?

Ans. I went on shore in consequence of a challenge received by me from him, and when we parted the understanding was that we were to meet again the following morning.

Ques. (By the accused.) You have stated that you kept your limits with but one exception: what occasion do you refer to?

Ans. I refer to my going in the boats on the expedition after the piratical vessel, the Quintanilla, which was the subject of the charge against me.

Louis M. Goldsborough, a lieutenant in the navy of the United States, a witness produced and duly sworn according to law, and interrogated by the judge advocate, deposes and says: I was on board the Franklin; the first year of the cruise I was a midshipman, the residue of the cruise I was an acting lieutenant; Commodore Stewart on one occasion at Callao, about eleven o'clock at night, came to me, I was then officer of the watch, and told me he wanted some money put on board the brig Cora, and ordered me to strike the money into the boat, the cutter alongside. He also ordered me to select a trusty midshipman to send with the money; the time occupied was about three-quarters of an hour, so that it was near twelve o'clock when it was completed. I had sent for a midshipman and he was rather long in coming; Mr. Hammersley had by this time relieved my watch; as the commodore had expressed a desire to get the money on board as quick as possible, I myself went with the boat; by the time I got alongside, the brig was lying to; I commenced putting the money on board of her; when I had partly completed discharging the money, a patriot armed boat came near and inquired what vessel it was, what she was doing; the captain asked me what he was to reply. I told him to exercise his own judgment; that so long as I had that money to put on board he should not be interfered with, but that I could not afford him protection any longer. The brig was hailed by the officer in the boat, and the captain's reply was, "Don't come on board." The officer said he was a patriot man-of-war boat,

and had come off for the purpose of knowing the character of the vessel, and what she was doing. The captain of the brig replied, "I don't care who the hell you are, you shall not come on board my vessel." By this time the boat had drifted round to the same side of the brig where the boat of the Franklin was, and seeing the man in the boat did not make any further inquiry, but passed closely under the stern of the brig, and, as the moon was shining, he saw her name, and observed, "It is the Cora, of Baltimore: I'll soon fix you." He then pulled towards the shore. What he did afterwards I do not know. I completed putting the money on board, and left the brig. A day or two after Commodore Stewart sent for me in the poop cabin, and informed me that a complaint had been made by the patriot government, of our boats having interfered with one of their revenue boats; he asked me what had transpired, and I told him, to the best of my memory, what I have related to the court. The Cora was under way when I received the orders to carry the money on board her. Callao was then in possession of the patriots. I do not know where the Cora was bound; they stated to me that she was bound to the United States. I know of no other instance of putting money on board vessels at night, nor any in which it was sent to them after they had got under way. I know instances in which money has been brought on board at night, and also about the persons of individuals. While lying at Quilca, I think some time in the year 1823, I was sent out in one of the boats, just as the dark had set in, about twelve or fifteen miles up the coast. Lieut. Henry and Capt. Smith were both in the boat; we went into a small cove, where we found some mules laden with gold and silver, which was placed in our boat and carried on board the ship, where we arrived at about one or two o'clock in the morning. The caravan of mules had arrived before us at the place some short time. There were three of the people of the country there at the time. I did not get out of the boat; Capt. Smith and Mr. Henry got out. This is the only instance of the kind within my knowledge; I did not see the commodore on our arrival, and made no report myself on the subject; Capt. Smith appeared to have the management of it. I have several times seen individuals bring money on board concealed about their bodies. I cannot enumerate the occasions; it happened repeatedly, and I know such money was received by Mr. Hunter, the first lieutenant; on one occasion I was the officer of the deck, when two persons came on board with money round their *body*, under their pantaloons. They went into the poop cabin; Commodore Stewart was then there and saw the manner in which the money was concealed, and immediately ordered me to send them out of the ship, and he would not receive the money. I know of no instance in which Commodore Stewart knew that money was brought on board in this manner, in which he authorized it; I do not recollect whether these persons were people of the country or Americans; I think the former. It occurred at Callao, when in the possession of the patriots. I communicated to Lieutenant Sands a conversation which I had with Commodore Stewart on the subject of his confinement. Commodore Stewart observed to me one day, in the course of conversation, that he regretted having confined him, and spoke of him very flatteringly as a fine young man. This is what I stated to Mr. Sands. I do not recollect anything being said about the controversy with Lieutenant Hammersly. By the expression of Commodore Stewart, regretting having confined Mr. Sands, I mean he regretted the necessity of confining him. Commodore Stewart always treated me kindly, and I think his conduct towards his officers, in general, was unusually kind; he allowed them indulgences which were not customary.

Cross-examined on the part of the accused:

Ques. Had you any orders or directions from Commodore Stewart to afford protection to the Cora when you put the money on board?

Ans. No; my orders were to have the money put on board merely.

Ques. When examined by Commodore Stewart in the poop cabin on the subject of the Cora, was it not in the presence of a patriot officer?

Ans. I think it was in the presence of the officer who had brought the complaint. I do not think I remained in the cabin after having made my communication to the Commodore, and heard nothing of their conversation.

Ques. Were you the officer of the deck when four large boxes were brought on board the Franklin at Callao, said to contain gold, silver and jewelry? Did Captain Stewart turn them away?

Ans. I was. I think it occurred about the same time that the Cora sailed, though I will not be positive. A gentleman, by the name of George, calling himself an Italian, brought some large boxes alongside, and asked me to receive them on board; I sent down and informed the first lieutenant of the circumstance, who sent me up word to receive them. The man that brought them alongside told me that they contained plate. I commenced striking them on board. When I got two or three boxes on deck, Commodore Stewart came out of his cabin, and asked me what boxes those were; I told him that the man stated to me that they contained silver plate, and that I had Mr. Hunter's directions to receive them. He looked at the boxes; said they could not contain silver; they were too large. The man replied that they did, that he would assure him they contained nothing else. If I recollect right, he told the commodore he would give him two per cent. if he would receive them on board. The commodore told him he should do no such thing, and ordered them back in the boats, which was done, and they were sent away.

Alexander Hamilton Hopkinson, a midshipman in the navy of the United States, being duly sworn according to law, and interrogated by the judge advocate, deposes and says: I was a midshipman on board the Franklin during her late cruise in the Pacific. One evening at Quilca, the last time, I think, we were there, I went on shore in the gig with Midshipman Porter; we landed in a cove by the custom house, about eight o'clock; waited there until about eleven at night. An officer, or one that I was informed was an officer in the Spanish army, then told me the money was ready, and I sent the boat's crew up into the store—there commonly called the custom-house store—they brought the money down, and put it in the boat. We got on board the ship about half-past eleven o'clock at night. That is the only occasion on which I ever carried money on board at night. I believe it was plata pina, not dollars. I do not know to whom the orders were given; they were to Mr. Porter; I went as officer of the boat. The evening before we entered Callao the first time, I think on the last day of July, the ship being about eight miles from St. Lorenzo, I received orders from Mr. Hunter to go on board the Canton, and carry a number of goods which were on board her, and deposit them on board the Peruvian; to tell Mr. Cox to be very careful of them; to put them down in the cabin, as they were very likely to be injured. I went on board the Canton, got the goods—there were two boat loads of them, I think ten bales and two boxes—and put them on board the Peruvian; I then returned on board the Franklin, when Mr. Hunter directed

me to go again on board the Canton and tell Mr. O'Sullivan Commodore Stewart wished to see him; to tell him to bring on board some blank bills of lading; I went and brought Captain O'Sullivan, who carried with him on board the Franklin a box marked private papers; about eleven o'clock I left the ship to carry Captain O'Sullivan again on board the Canton, with orders from Mr. Hunter to direct Mr. Ward to bring on board the book of samples of goods that were on board the Peruvian; Mr. Ward had a pasteboard box which he passed into the boat, also a writing desk; I took them to the Franklin with Mr. Ward; the Canton then filled away and stood off from the shore; we got into Callao next day. I never knew an instance of Mr. Smith being employed to board vessels, or perform the duty of officers on board the Franklin. The Peruvian, at the time the goods were thus placed on board her, was in tow astern of the Franklin; she had her standing rigging on; Mr. Coxe was on board with a number of carpenters. When we went for the money at Quilca, on our landing, the officer, who was called a captain, told us the money had not come down; he asked us into the colonel's quarters, where we remained until he informed us it had arrived and was ready.

John Redman Coxe, a midshipman in the navy of the United States, being duly sworn according to law, and interrogated by the judge advocate, deposes and says: I was on board the Franklin during her late cruise in the Pacific, in the capacity of a midshipman. I think sometime in June or July, 1822, I was placed in charge of the Peruvian at Quilca, and from there to Callao, and continued on board for some weeks at Callao. Off Callao there were a number of bales, perhaps eight or ten, and some boxes, received on board from Mr. Hopkinson, with orders from Mr. Hunter to take particular charge of them: to place them in the cabin, as they were very valuable. They remained on board during the whole time that I continued in charge of the vessel. I was relieved in charge of the vessel by Mr. Wilkes, and on my telling him there were certain goods on board the vessel which he was to take charge of, he replied, he did not know they were there; he did not see them, and would have nothing to do with them. I informed Mr. Hunter and Mr. Henry of it, and they said, very well. Mr. Henry took charge of the vessel in the course of a very short time, perhaps a few hours. One of the packages broke open one evening; I believe it contained silk stockings; it was a small box which I kept in the cabin, the others were all large. I, on one occasion, brought off at Quilca, in the night, a quantity of money; I had charge of the boat; I believe Mr. Henry was along; I think Mr. Marshal was one of the officers of a boat; I found Capt. Smith there on the beach, where the mules were; the night was dark; I think it was about six or eight miles to the southward of Quilca.

John Blight, a gunner in the navy of the United States, being duly sworn according to law, and interrogated by the judge advocate, deposes and says:

Question. Were you on board the Franklin during her late cruise in the Pacific, and in what capacity?

Answer. I was on board, as gunner.

Ques. Did you carefully and regularly inspect the guns of that vessel, and in what state were they kept?

Ans. It was done regularly and constantly; they were kept in a good state, everything that was required of them.

Ques. Had any of them, on your return to New York, the same loads which they carried out?

Ans. Yes; the three after guns on each side. They were regularly examined, and the powder returned to the magazine.

Ques. How frequently were the crew exercised at general quarters during the cruise?

Ans. I will not be positive—either two or three times: once at New York before we left there; once afterwards, I cannot say whether at sea or in port.

Ques. Were they frequently exercised by divisions?

Ans. Yes; very often, almost every day when the weather would permit.

Ques. During your cruise, were there any musket cartridges or other articles drawn from the Franklin and sent to the Canton?

Ans. Yes.

Ques. What were they, and on what occasions?

Ans. There were 300 musket cartridges sent at one time; on the 26th July, 1822, there were seventy sent at Quilca; on the 1st December, in the same year, one hundred priming tubes at Quilca, six priming wires and one bit, six pounds of match rope; there were also some feet and hand iron shackles sent on board.

Ques. How were these articles entered on your books?

Ans. They were not entered as expended, nor as sent to the Canton.

Ques. Were they ever returned or replaced?

Ans. No.

Ques. Upon whose requisition were they drawn?

Ans. They were drawn by a verbal requisition from the first lieutenant, Mr. Hunter.

Ques. (By the court.) Who directed you not to enter them as expended?

Ans. Mr. Hunter. The cartridges of the Canton were too large for her muskets, and these were sent with the expectation they would be replaced by some from the Canton.

Ques. Was this order from Mr. Hunter on the first occasion when they were sent or the second?

Ans. I went to him on Saturday, when I was to make my returns, on both occasions, and this was what he told me.

Cross-examined by the accused.

Ques. Were all the articles from your department, sent to the Peruviano and Waterwitch, returned to you on these vessels being put out of service?

Ans. They were; all the armament and ammunition was returned. I gave a receipt for it to Lieut. Henry.

Charles Wilkes, jr., a midshipman in the service of the United States, being duly sworn according to law and interrogated by the judge advocate, deposes and says:

I was on board the Franklin, during part of her late cruise in the Pacific, as midshipman. I was on board one of the schooners, the Waterwitch, in June, 1822, and continued on board until March following. From October, 1822, I was in command of her. I was ordered to the Peruvian for about three or four hours at Callao. I received a written order from Mr. Henry, who commanded the Waterwitch, to go on board the Peruvian and relieve Mr. Coxe. I went on board about ten o'clock, and was put in command of the Waterwitch by a verbal order from Mr. Henry. I refused to take charge of some goods said to be on board the Peruvian. I had a conversation with Mr. Henry on the subject of the goods the preceding day, in which I stated my unwillingness to take any charge of those goods. The Peruvian was not at that time quite ready for sea. The Waterwitch during the time that I was attached to her was employed in carrying letters and dispatches, and waiting for them. I took some bullion from Coquimbo to Valparaiso. This was the only occasion on board the schooner in which I was engaged in the transportation of specie. I was on board when she went to Guayaquil. We left Quilca for Guayaquil on the 26th of July, 1822, and arrived there on the 5th of August. The object was, I believe, to carry dispatches. I delivered one to Bolivar—no other. No one was on board not belonging to the squadron. She was then under the command of Lieutenant Henry. The Waterwitch arrived at Guayaquil two days before the Canton, where that vessel took in a cargo of cocoa.

Edward Fitzgerald, a purser in the navy of the United States, being duly sworn according to law and interrogated by the judge advocate, deposes and says:

I was purser on board the Franklin during her late cruise in the Pacific.

The court adjourned till to-morrow morning at ten o'clock.

SATURDAY, *August* 27.

The court met pursuant to the adjournment of yesterday. Present: all the members of the court (except Captain Henley), the judge advocate and Captain Stewart. A communication was received from Captain Henley, stating that he was compelled by indisposition to absent himself from the court to-day.

James Biddle, a captain in the navy of the United States, being duly sworn according to law and interrogated on the part of the accused, deposes and says:

Question. Did you at any time, and when, command a ship-of-war of the United States in the Pacific?

Answer. I commanded the Ontario in the Pacific in the year 1818.

Ques. Is it the practice of our ships-of-war, as well as those of other nations, to give passage from one port to another, in the course of the cruise, to such persons, not belligerents, as they think proper?

Ans. Yes. It was the practice of all the men-of-war in that sea while I was there. Three British men-of-war were at that time in those seas, and in consequence of the particular situation in which Peru and Chili were then placed, the captains of those vessels as well as myself were subjected to considerable inconvenience and expense in such transportation between those two countries. I went twice from Lima to Valparaiso, and twice from Valparaiso to Lima. I mentioned to the authorities at those places that I had been very much incommoded by the numerous applications made to me, at both those places, and that as I could carry only a few at a time, I was willing to carry such as should be approved of by the authorities. It was impossible to resist the importunities of the applicants. There was no other mode of communication between those two countries than such as was afforded by the foreign men-of-war. I carried a Spanish officer and lady from Callao to Rio Janiero. They were both taken on board at the particular instance of the Vice-King. In my report to the government I stated what I had done, and also the circumstances which had induced me to do it. The Secretary of the Navy informed me that the President fully approved of my conduct under the circumstances.

I considered myself on this point as pretty much unrestricted by any orders.

Ques. Is it the practice to permit the crews of our ships to work for or on board of other vessels, receiving compensation therefor; also to furnish our merchantmen with materials they may stand in need of, taking care to have the same returned or paid for?

Ans. I have on several occasions supplied American vessels, particularly in the Pacific, where they could be obtained in no other mode, with men from the ship to work; and I have supplied them when necessary with articles from the ship—perhaps foreign vessels also, when they could not be procured elsewhere. On one occasion at Callao I received eight American seamen who were prisoners there; they were destitute of clothing, and I gave the purser a written order to furnish them with such articles as were necessary. At Rio Janeiro, in the Congress, I sent my carpenters on board a merchant vessel to put up some bulk-heads. On the coast of California, I sent on board a Russian man-of-war some paint, a courtesy which I should expect to give and receive from any foreign man-of-war under the same circumstances. I do not know what entry was made in the books of the articles. I merely directed the first lieutenant to have it sent on board.

Ques. Is it the practice to take on board money and bullion for transportation or on deposit, and to give convoy or protection to American or other neutral vessels?

Ans. Yes. It is, I believe, universal There was a piratical vessel in those seas when I was there, which made it peculiarly necessary.

Ques. Did you prevent the capture of an American vessel, and under what circumstances?

Ans. I prevented the Spanish blockading squadron from capturing an American vessel off Valparaiso. As I was going into Valparaiso I was boarded by the blockading squadron. The officer informed me that the port was blockaded, and that their orders were to permit no vessel, even a man-of-war, to enter. I told him I had orders to go into that port, that I should go in, and did. A few days after, I saw an American vessel coming in, the squadron in pursuit. I thought her in danger of being captured, as she was becalmed, and sent all my boats out to assist her, and they towed her into the anchorage.

Ques. Was there danger in traveling in Peru without a passport?

Ans. While I was in Peru, I received a letter from a man, who stated himself to be a surgeon on board an English whale ship, who stated that he was imprisoned at Lima, simply because he had no passport. I offered to the government that, if there existed no other cause for his detention, I would take him out of the country. He was released, and I carried him to Valparaiso. I knew the British officers in those seas had shown a disposition to aid American citizens, and I was always disposed to reciprocate it.

Ques. (By a member of the court.) Was not the duty of a commanding officer in the Pacific oftentimes embarrassing, owing to the political fluctuations which have so frequently occurred; changes of power producing distrust and imaginary causes of complaint? And is it not difficult for a commanding officer, studious of neutrality, to avoid the suspicion of being partial?

Ans. I believe it is impossible for any commanding officer to be in the Pacific without giving offence ot the one side or the other. The royal party, knowing the general feelings of our countrymen, are jealous of them; the patriots, on the other hand, expecting too much, are dissatisfied.

Ques. Have you known Com. Stewart for many years? Have you ever sailed with him? If yea, what was his character for humanity and kindness to those under his command? Has he been characterized for harshness and severity, or has he been remarked for indulgence to his officers, and gentleness to his men?

Ans. I have known Capt. Stewart for many years. In 1801, I sailed with him; he was first lieutenant, and I a midshipman. I always found his deportment humane and gentlemanly on board ship. The situation of first lieutenant is more trying to the disposition and temper than any other on board ship.

Edward Fitzgerald called:

Question. Look at the books shown you. Are those the muster rolls of the Franklin?

Answer. They are No's 2 and 3. No. 2 is from the first May, 1821, till the 31st December, inclusive. No. 3, from the 1st of January, 1824, till the 31st October of the same year, inclusive. William A. Weaver appears on both muster rolls as a lieutenant, attached to the Franklin. When an officer is absent from the ship on leave of absence, it is usual to enter the circumstance on the muster roll of the ship, by order of the commander. If he is absent on furlough I should make such entry without order. In the former case he would draw full pay; in the latter case he would draw half pay. No entry is made on the muster roll, opposite the name of Lieut. Weaver, that he was on leave of absence. That muster roll was approved by Commodore Stewart; on what day, I cannot say. I never received any order to enter such absence on that muster roll. On the muster roll No. 3, I marked Mr. Weaver absent without leave from the 1st of August, 1822, by the order of Commodore Stewart. I received the order to make the entry, and did it some time in November last. I do not recollect the day exactly. I think it was the day after the court-martial met in New York for the trial of Mr. Weaver. It was approved after that entry was made. When he directed me to make the entry he said it was in conformity with the rolls he had sent to the Department. It is the practice of the service, and I believe there is a regulation on the subject, to send, when an opportunity occurs, a copy of the muster roll to the Department. The two papers shown are papers made out for the purpose of being transmitted to the Department under this regulation; the one dated October 1, 1821, the other March 11, 1823. On the first, I made, by the direction of the commodore, "absent, with leave to join at Valparaiso;" on the second, "on leave of absence, in charge of stores on board the ship America for Lima, by permission," was entered by order of Commodore Stewart. The words "on leave of absence," are in the handwriting of my steward, the remainder of the sentence is in my own hand. I think it possible I omitted to enter the date, 1st August, on this last roll. I do not recollect to have received any orders from Commodore Stewart to make any other entries than those two that I have spoken of, in relation to Lieut. Weaver. Mr. Weaver sailed from New York in the ship America, about a week, I think, before us. We first saw him at Rio Janerio; he arrived there after us. We next saw him at Valparaiso; he came off the port after we got there; he came into port in a boat, and proceeded on the next morning to Lima. We received at Callao, in August, 1822, the stores which had gone out in the America. We arrived at that place on the 1st August. Mr. Weaver had then returned to the United States. The America had also sailed, and we took on board all the stores of my department brought out in that vessel. There were none others that I know of. There were not, at that time, nor at any subsequent time, any stores belonging to the Franklin, to my knowledge, at Callao, at Lima, or on board the America. Mr. Weaver was not on board the Franklin after we left Valparaiso, until after our return to New York. I did not receive at the port of Arica any permission to send any stores on shore. At Quilca, I received permission to send on board the Canton some officers' clothing. They went to the shore, not by my direction. They were private property, belonging to myself altogether. They were sold at Arequipa, a hundred miles in the interior. Some of the clothes I sent away did not suit the station; they were white drilling pantaloons and marseilles vests. Cloth was found the most comfortable. I retained as many of every article as I thought would be necessary, but I believe the black silk vests gave out; I believe nothing else. The officers had an ample supply. Other articles were procured, which answered the purpose better.

Cross-examined on the part of the accused:

Ques. Do not the regulations of the navy require the purser to provide, at the public expense, slops or clothes for the crew of the ships-of-war?

Ans. The government usually furnishes them at home; abroad they are paid for also by the government, and eventually paid for by the men who use them.

Ques. Do they require clothing for the officers to be provided, or do the pursers lay in these at their own cost and hazard?

Ans. If they are taken out by the pursers it is at their own risk. I never did it before.

Ques. Were not some of the officers of the Franklin lost, and did not others come home, which diminished the demand for clothing?

Ans. There were six, I think, lost, and several returned in the Constellation. This diminished the demand, and was the cause of my requesting permission of Commodore Stewart to send some away.

Ques. Did Captain O'Sullivan offer to dispose of the surplus on board the Canton? How came it to be taken on shore?

Ans. He offered to take them and sell them for me on board the Canton. He became alarmed at the appearance of the patriot sloop-of-war, the Belgrano, and sent my goods on shore, with some of his own, without consulting me. Part of them were stolen on shore, out of the custom house, by the soldiers. I endeavored to get the remainder back to the Franklin by the aid of Captain Smith, who was living on shore at the time. I lost about $400 or $500, on the whole, in consequence of the robbery. Commodore Stewart gave me permission to put them on board the Canton, but had nothing further to do with it.

Ques. Look at the muster roll now shown you; was that made by you?

Ans. It was. I made out two on that occasion for the commodore, on the 31st October, 1822. About that time the brig Dick was about coming to the United States; I sent it to the commodore, with the remark, opposite the name of Mr. Weaver, "on leave of absence," in the handwriting of my steward; the residue of the sentence, "in charge of stores, to August 1, 1822," is in the handwriting of the commodore. It is usual for the remarks opposite Mr. Weaver's name to be made by him.

Ques. Did you inquire of Captain Stewart, when you made up the muster roll No. 2, what entry should be made as to Mr. Weaver, and what did he say?

Ans. I omitted mentioning it to him then, at the time I made the entry on the roll transmitted in March, 1823; the commodore observed that he only knew Mr. Weaver officially there; if he had gone to the United States it was on his own responsibility. I inferred his meaning to be, that the commodore could only know him officially there until he had received instructions from the government what to do with him.

Ques. Does the captain of a ship sign the muster book, or roll of the ship, until the conclusion of the cruise, or closing of that book?

Ans. It is not usual to make up the book until the cruise is terminated. I, however, did it during the cruise, on this occasion. The book signed by Commodore Stewart in New York, in November last, had never before been presented to him for signature. I took it to the commodore for his signature without any intimation from him, having been ordered to produce it before the court-martial, and not conceiving that it could be evidence without his approval.

Ques. Is not there this difference between the muster roll sent to the Department and that kept for the ship—that the latter notes the final disposition of any person on it, while the former notes their situation at the time it is made out to be transmitted?

Ans. It is required that the muster roll transmitted should be a copy from the muster roll retained on board the ship, unless when something had occurred which had been previously transmitted to the Department, in which case it would be unnecessary to mention it again.

Ques. Have you, at any time during the period of the Franklin's cruise, received directions from me to make any remarks opposite the name of any person attached to the Franklin under my command?

Ans. I received directions from the first lieutenant to rate the men, to note promotions and reductions, such as appear on the book. I do not remember receiving any orders directly from the commodore himself; they were transmitted to me through the first lieutenant, and were afterwards approved by the commodore.

Ques. Did you refer to Commodore Stewart at any time during the cruise for remarks to be made opposite Lieutenant Weaver's name in consequence of his absence?

Ans. Only once, which was the occasion to which I have referred. Mr. Weaver had delayed returning so long that I thought it necessary to speak to him about it.

Ques. Were you not acquainted with the absence and cause of such absence of Lieutenant Weaver, from the sailing of the Franklin from New York to her arrival at Callao, and that he was on board the America in charge of purser's and hospital stores?

Ans. I was; I had heard of it; had no personal acquaintance with it.

Ques. Did you receive payment for the thirty-six bolts of canvas returned to the Canton, and have you accounted for it to the government?

Ans. I received $720, at the rate of $20 a bolt, and accounted for it to the government. The wine purchased was all used; part of it as wine, part vinegar. It cost $0.50, and I was informed by the agent there that vinegar could not be procured under a dollar.

Ques. Was it not known on board the Franklin, and to Captain Stewart, that Mr. Weaver had returned to the United States, and that the government knew he was there?

Ans. It was known by me. I had seen in the Intelligencer an account of his arrival at Washington. When this was I do not know; it was previous to the entry on the roll of his being in charge of stores.

Ques. (By the judge advocate.) What was paid for the canvas procured from the Canton?

Ans. I do not recollect; I think it was $20.

Ques. When was the $750 dollars received and accounted for, and from whom?

Ans. It was received some time, I think, in July, 1822, from Captain O'Sullivan, and accounted for on the settlement of my accounts last winter.

Ques. Was any money brought on board the Franklin under any arrangement with you, concealed about the persons of individuals, or was such money as you procured from the shore charged as having paid duty?

Ans. There was a bill for $20,000 dollars, to be deposited on board the vessel, sent out by the government to be collected there. I made inquiries; the bill was payable at Lima. I found I should have to pay five per cent. duty, one per cent. for package, and two per cent. for a guard to bring it to Callao. I was unwilling to incur such a responsibility; the times were hazardous, armies on both sides infesting the country. I mentioned to the man who had the bill to pay, and agreed to pay him six per cent. if he would deliver it on board the Franklin. He did so, and showed me a receipt from Sarratea for five per cent. duty. I thus saved two per cent., and avoided all responsibility. This man had money in belts laying in the boat; whether he brought it from the shore concealed I do not know. He brought it to the Franklin from his own vessel. None was about his person to my knowledge when he brought it to the Franklin. I know of no instance in which money, brought aboard under an arrangement with me, was concealed about the person.

Ques. (By the accused.) In purchasing supplies for the squadron in the Pacific, what was the object of purchasing such supplies afloat, instead of procuring them on shore?

Ans. One object was that the duties were not so high. The preference was always given to American vessels when the articles could be procured from them.

Samuel Brown, a witness produced on behalf of the United States:

An objection was made by the accused to the competency of this witness. The grounds of objection are stated in the paper filed (—). The court, being cleared, proceeded to consider the objections that had been taken to the competency of the witness, and the record of his conviction before the court-martial.

The court adjourned till ten o'clock on Monday morning.

MONDAY, *August* 29.

The court met pursuant to the adjournment of Saturday. Present: all the members of the court, the judge advocate and Captain Stewart. The proceedings of Saturday were read. The judge advocate then read an opinion, which, in pursuance of an intimation to that effect, he had prepared upon the exception taken on Saturday, annexed and marked (—). The court, being cleared, determined that the witness was not competent, and therefore that his evidence should not be heard.

David Conner, a master commandant in the navy of the United States, being duly sworn according to law, and interrogated by the judge advocate, deposes and says: I commanded the Dolphin, in the Pacific, at the time the Franklin was there. Sailed from New York at the same time. I received no instructions from Commodore Stewart in relation to the Canton. On my arrival at St. Juan Fernandez, I found the Canton there; no signal was displayed from her that I recollect. I received on board the Dolphin, on the 6th May, 1822, Captain Eliphalet Smith, as the bearer of dispatches by order of Commodore Stewart (read, annexed and marked —). On my arrival at Arica, I discovered that some of Captain Smith's trunks contained samples of goods. I had no previous knowledge of it. I had no knowledge of what his trunks contained when he came on board. Arica was the first port at which we arrived from Valparaiso. We staid at Arica about thirty-six or forty-eight hours, and sailed to Molliendo. There we landed Captain Smith with his baggage. I do not know whether Captain Smith came on board the Dolphin from the shore or from the Franklin. I think his baggage came from the Canton. I had no other orders, written or verbal, than the one that has been read.

Cross-examined by the accused:

Captain Stewart did not, to my knowledge, know anything of the samples going on board the Dolphin.

Ques. Did the Canton leave Juan Fernandez in company with the Franklin or the Dolphin?

Ans. I think she sailed about the same time with the Franklin, and they must have parted company during the night, as I fell in with the Canton the next morning, and the Franklin was not in sight.

Ques. Did Captain Stewart ever demand or receive any portion of the emoluments for money or bullion taken on board the Dolphin?

Ans. He did not. I know of no usage in the service which entitles him to claim it.

Ques. (By the judge advocate.) Did you carry on board the Dolphin, about the month of September, 1822, money, sails, &c., from Callao to Guayaquil, for the purpose of placing them on board the Canton? If yea, state the circumstances and the orders under which you acted.

Ans. I did carry money and sails for that purpose at the time specified. I received orders from Commodore Stewart on that occasion; they were in writing. The substance of them was, that I was to make inquiries respecting a piratical vessel on that coast; the next subject was a claim by the master of the American schooner Amanda, on the government there, and also to notify to the American vessels in that neighborhood, bound to the south, that I would afford them convoy. The orders did not embrace the subject of the sails, &c., for the Canton. Commodore Stewart requested me verbally to take those articles.

Ques. (By a member of the court.) Do you know of any instances in which specie, bullion, or plata pina were brought on board the public vessels of the United States, clandestinely and at night, in violation of the laws of Peru, with the knowledge or permission of Commodore Stewart?

Ans. I do not. There was money, &c., brought on board the Dolphin from the shore, which was transported to the Franklin, but in no instance was it smuggled. On my arrival at Callao, I applied to the minister of war for permission to receive on board my vessel, for safe keeping, funds belonging to citizens of the United States. The permission was officially granted, and the money brought on board the Dolphin was brought under that authority.

Ques. (By the accused.) Did you bring back to Captain Stewart, from Captain O'Sullivan, certain bills of lading canceled, which had been given for the money you took to him from Callao, also other bills of lading from Mr. Lang?

Ans. I did. Captain O'Sullivan and Mr. Lang canceled the bills of lading, and gave them to me to deliver to Commodore Stewart, which I did. I had carried money down for Mr. Lang also.

Ques. (By a member.) Have you ever known the force under the orders of Commodore Stewart to be employed by his authority, and with his knowledge, in violating actual blockade, the laws of neutrality or the revenue laws of either of the belligerents?

Ans. No.

Ques. (By the same.) Have you ever known extraordinary and illegal protection to be afforded to the Canton and other vessels, to the neglect of vessels employed in a lawful commerce?

Ans. No.

The judge advocate then read and submitted to the court certain documents:

Instructions from the Secretary of the Navy to Com. Stewart, dated September 8th, 1821.

Letter from the Secretary of the Navy to Com. Stewart, dated October 27th, 1824.

Letter from Com. Stewart to the Secretary of the Navy, dated October 29th, 1824.

Letter from the Secretary of the Navy to Com. Stewart, dated November 3d, 1824.

Letter from Com. Stewart to the Secretary of the Navy, dated November 5th, 1824.

The judge advocate then stated to the court that the testimony on the part of the prosecution was closed.

Captain Stewart, by his counsel, requested the indulgence of the court until to-morrow morning, whereupon the court adjourned till ten o'clock to-morrow morning.

TUESDAY, *August* 30.

The court met pursuant to the adjournment of yesterday. Present: all the members of the court (excepting Captain Henley), the judge advocate, and Captain Stewart. A communication was received from Captain Henley, enclosing a certificate from his physician, stating him to be too much indisposed to attend the court to-day.

The counsel for the accused then read and submitted to the court an opening of his defence, which was annexed to the record and marked (—).

Charles S. McCauley, a lieutenant in the navy of the United States, a witness produced on the part of the accused, being duly sworn according to law, and interrogated on behalf of the accused, deposes and says:

I went to Cadiz in May, 1825, under Le Roy, Bayard, and McEvers, to take command of the Canton. I assumed the command of her and brought her home to New York. She had on board nine or ten bales of goods, including the sample box; they were landed at New York. They appeared on the manifest of the vessel as part of the cargo which had been put on board her at New York before she went to the Pacific. They were silk goods—damask.

I have sailed with Capt. Decatur. He gave me leave of absence on a furlough to go to India. I was on my private business, and was absent about eighteen months. When I reported myself to the Department I was informed I had been kept on the books, and surprise was expressed at my having been absent. I received half pay during the time.

I remember bringing home $10,000 in the Constellation, under the command of Capt. Ridgely, from Valparaiso, for my father, Mr. John McCauley. That was the money sent home by Capt. Stewart.

Lieut. Wm. F. Hunter called on behalf of the accused:

There was some money on board the Franklin belonging to Le Roy, Bayard & Co., of New York; some belonging to Capt. Basset, an American captain who had sold his ship; and some to Capt. Baldwin of the brig Cora, which was sent on board the Cora on the afternoon of the day she sailed; it was sent by one of the midshipmen. He brought word that the captain of the Cora was not ready for it then, but would send word when he was ready. The boat remained alongside until about sundown; as he had sent no word, the money was hoisted on board again. I think between nine and ten o'clock Captain Baldwin came himself on board. I called the commodore up; he had gone to bed. The captain insisted on the money being sent on board at that time; threatened the commodore to prosecute him when he got home if he did not send it. The boat was then manned, and the money sent on board. Mr. Goldsborough was the officer who went. The captain said his boat would not carry it; we must send it in our boat. The Cora was then under way. I think there was from $50,000 to $60,000. The money of Le Roy, Bayard & Co. came on board at Quilca or Arica; that of Captain Basset came from the Dolphin; his own money, Capt. Baldwin had brought on board at different times in his own boats from his own ship.

I never saw money brought on board the Franklin, about the persons of individuals; I have known it brought in bags, belts, and handkerchiefs. Captain Baldwin was the only person that I recollect who brought money on board in that way. The captain said, "I have heard it said by many of them that they brought their money down from the interior in belts, to save it from being robbed. Reports were frequent of persons being stripped to ascertain whether it was carried in that way, by robbers between Callao and Lima. One in particular I remember, the secretary of the Baron Mackan, the commander of a French frigate, was thus treated.

The boarders, firemen and sail-trimmers were frequently exercised at sea, at evening quarters, at times when the guns were not cast loose. The marines were frequently landed by permission of the governments there and exercised on shore. At St. Juan Fernandez, they were also frequently exercised on shore. I was a lieutenant on board the Constitution, during the war, under the command of Commodore Stewart. Her guns were never deficient. Her guns were not more frequently exercised than those of the Franklin, nor do I think the men were more frequently exercised at general quarters. Commodore Stewart carried out with him a carriage for the accommodation of his family, and a coachman.

Between the time of the arrest of Lieutenant Sands and the arrival of the United States, there were four commissioned lieutenants attached to the Franklin. Part of the time I was sick on shore; when I came on board, Lieutenant Hammersley was put in charge of the Amanda. From the time I rejoined the Franklin until shortly before we sailed from Callao, on our return home, the Dolphin was not with us. When the wine was purchased from the Canton, it was procured for the purpose of giving to the officers. The midshipmen had been much in the habit of giving their liquor to the men; some of them got drunk, and we lost two or three overboard. The wine was procured on this account to be given to the officers as a substitute for spirits. Some of the stores laid in at New York, particularly paints and oil, were of a very bad quaility. It became necessary to procure other to enable it to stand the period of time allowed by the regulations of painting.

Cross-examined by the judge advocate:

While at Valparaiso, the Canton asked permission to have her muskets cleaned on board the Franklin. After cleaning them, the cartridges were examined and the balls found too large for the muskets. Capt. O'Sullivan requested to have them run over or changed. We were then busy making musket cartridges, and my impression and belief is, that his were sent on board, and exchanged for others. This was the understanding and agreement, and I think it was executed.

By the accused: "Pay was always received for the work done by the men on private account, and distributed among them. I was present and saw the men employed upon the schooners, paid to their satisfaction by Commodore Stewart." Look at the paper shown you. It is in the handwriting of a man of the name of Elliot, the master's clerk, and is the account of the articles received from the Pearl, annexed and marked (—).

William Horner, being duly sworn, according to law, and interrogated on the part of the accused, deposes and says: I was on board the Franklin in the Pacific. I was a quartermaster at sea, and the commodore's coxswain in harbor. A carriage was put on board the Franklin, by the commodore, at New York, for his own use, and a coachman. Mr. Stewart used it at Callao and Lima. There were two horses taken down from Valparaiso to Quilca; when they were landed, they had nothing but bare halters on them.

I was a captain of a gun, on board the Franklin; that gun was in the cabin, and therefore not regularly exercised; it was, however, kept in good order, and the men belonging to it were exercised at another gun. The guns I believe were always kept in a state for action.

The horses taken on board at Valparaiso were taken on board at a public dock-yard, by a crane at the place. They were good horses for that country—not what could be called fine horses.

The court adjourned till ten o'clock to-morrow morning.

WEDNESDAY, *October* 31.

The court met pursuant to the adjournment of yesterday. Present: all the members of the court (excepting Captain Henly), the judge advocate and Captain Stewart. A communication was received from Captain Henley, stating a continuance of his indisposition would prevent his attendance.

Eliphalet Smith, a witness produced on the part of the accused, being duly sworn according to law, deposes and says:

Question. Were you in the Pacific at the time of the arrival of Captain Stewart there in the Franklin? How long had you been there, and in what vessel did you go out?

Answer. I arrived in the Pacific in the brig Macedonia, of Boston, about the middle of the year 1818, and continued there until after the return of the Franklin.

Ques. Did you go to Valparaiso on hearing of the arrival of Captain Stewart there; and for what purpose did you go?

Ans. I went up to Valparaiso from Molliendo in the Constellation frigate, with documents to aid Commodore Stewart to reclaim property that had been taken from me by Lord Cochrane.

Ques. Did Captain Stewart take any measures for your aid in consequence of your application to him, and what did he do?

Ans. He wrote to the minister of state of the government of Chili, and received an answer which was transmitted by him to the Government of the United States.

Ques. Did you at any time go as a passenger in the Franklin; for what purpose, and how long did you remain in her?

Ans. I went as a passenger in the Franklin, from Quilca to Callao, for the purpose of inducing Commodore Stewart to interpose with the government in consequence of a seizure of the brig Macedonian, and her cargo, by the government of Lima. I returned back to Quilca in the Franklin, where I should have remained, had not Commodore Stewart recommended to me to go to Valparaiso, as he had heard there was an officer coming out with dispatches from the Government of the United States, which might, perhaps, authorize him to act in the reclamation of the property taken by Lord Cochrane. I returned to Quilca in the ship, where I left her. I was not on board her as a passenger afterwards.

Ques. Did you bring a letter or dispatch from General Ramirez to Captain Stewart, and did you take back Captain Stewart's reply; in what vessel did you take the reply, and did you do so at the request of Captain Stewart?

Ans. When I first went to Valparaiso in the Constellation, I took a letter from General Ramirez, who was at that time commander of the southern provinces of Peru, under the royal government. I delivered the letter to the commodore. Some time after he mentioned that he was about returning an answer to General Ramirez, and asked me if I would take it down, which I did, in the Dolphin.

Ques. Was it a convenience to Captain Stewart, and saving of expense to the United States, that you should take Captain Stewart's dispatch to General Ramirez, rather than it should be sent by an officer of the Franklin?

Ans. It was so far a convenience that I could translate the letter to General Ramirez, and there was no one at Arequipa who could. It was so far a saving to the Government of the United States, as the Dolphin would have been compelled to remain a number of days on the coast, for the captain to have procured a passport for the officer who might carry the dispatch. The expense of the officer in going up and returning, which would have been very considerable, was likewise saved. I was going there upon business of my own, and received no compensation for the service.

Ques. Did you purchase the cargo of the Canton or any part thereof; of whom, where, and when, and on what terms?

Ans. I purchased the greater part of the original cargo of the Canton, in Valparaiso, of Captain John O'Sullivan, on the following terms: I was to give him a certain percentage on his original invoices, provided he delivered the cargo at Arica or Quilca. In my agreement with him, it was likewise understood that I should be at liberty to fill up the ship, if there should be any room, with any other goods of my own freight, free. I was to put the proceeds of this cargo on board the Franklin, within two months after the delivery of the cargo.

Ques. Was the cargo thus purchased delivered to you at Arica and Quilca, and was it landed with the permission and under the authority of the collectors of the custom houses at the places of landing, and what did the cargo consist of?

Ans The cargo consisted of English, German, and French dry goods; some wine. It was landed under a special license from the Vice-King of Peru, and delivered into the custom houses of Arica and Arequipa.

Ques. What were the proceeds of the sales of the cargo, in what did it consist, and was it taken on board the Franklin with the knowledge and consent of the collectors of the customs?

Ans. The proceeds were, I think, about $300,000, which consisted of specie and bullion; they were taken on board the Franklin, with the permission of the Vice-King, with the knowledge and consent of the collector of the customs at Arequipa.

Ques. Were the said proceeds brought from the interior of the country? How far? Were they put on board the Franklin by night or by day? If the former, why was it done so? Was it for the purpose of concealment from the custom house officers, or was it with the knowledge and consent of the collector of the customs?

Ans. The proceeds went from Arequipa, which is 30 leagues from the coast. It arrived on the coast sometimes by day, sometimes at night—most generally the latter, and on its arrival was immediately taken on board the Franklin. At the time that money was shipped, it was exposed, if it remained on the coast, to patriot crusiers; and, as Commodore Stewart told me he would not protect the property on shore, I was anxious to get it on board. I generally advised when it would arrive; no concealment was designed. There was always a custom house officer placed by the government at Quilca, for the purpose of preventing smuggling, who came down with the money and delivered it to me.

Ques. Had Captain Stewart an interest or concern directly or indirectly in the Canton or her cargo, to your knowledge; or was he at any time during his command in the Pacific, interested; or had he any concern or profit in any purchase, speculation in merchandise, vessels, or otherwise, with you or with any other person to your knowledge, directly or indirectly?

Ans. He had none.

Ques. Did the Canton land any arms or munitions of war at Quilca or Arica? Had she any on board when she sailed from Valparaiso, for those ports?

Ans. I do not know; she landed none to my knowledge.

Ques. Do you know anything of two horses taken on board the Franklin, at Valparaiso, and landed at Quilca? Were they taken with the knowledge of the governor or other officer at Valparaiso? To whom were they delivered at Quilca? What equipments had they?

Ans. I bought the horses at Valparaiso; one for Commodore Stewart, one for myself. I believe Mr. Hogan obtained permission from the Governor of Valparaiso to ship them. At any rate, they were shipped off at the public arsenal. They had no equipments whatever. They were carried down to Quilca in the Franklin. I presented one of them, in the name of Commodore Stewart, to a Spanish merchant, by the name of Cotera. It was designed by the commodore, as a return for some silver baskets which Mr. Cotera had presented to Mrs. Stewart. The other, which belonged to myself, I took to Arequipa, and gave it to a friend of mine. I believe they never got north of Cusco.

Ques. Did you offer the accused an interest in a commercial speculation, which promised a considerable profit to him; and did he refuse it?

Ans. I made an offer to Commodore Stewart, of an interest in a number of speculations, more particularly in a cargo of wool, which I purchased some time before I left the country. I mentioned to him, that as the wool was going immediately from the coast, it could not in the slightest degree implicate him. His reply was, that although he considered himself as having a right to employ his money in a speculation of that kind, yet, morally speaking, he could not feel himself justified.

Ques. Did you go in the United States schooner Dolphin to any, and which of the ports of the Intermedios; and by whose permission did you go? Did you take any and what goods or samples of goods with you? Was it to sell them? Did you actually sell or offer for sale any of said goods? Were the said goods or samples taken on board the Dolphin by the permission or with the knowledge of the said Charles Stewart?

Ans. I went in the Dolphin, as I have before mentioned, at the request of Commodore Stewart; first to Arica, and thence to Molliendo. I took, with my baggage, two trunks, containing samples of goods which I had previously purchased at Valparaiso. I took no goods for sale; neither did I offer any for sale while on board the Dolphin. I was landed from the Dolphin at Molliendo, and took with me, to Arequipa, all my baggage, with these two trunks of samples. They went on board the Dolphin, as my baggage, without the knowledge or permission of either Commodore Stewart or Captain Connor.

Ques. Where money or bullion was put on board ships-of-war, in the Pacific, for deposit or transportation, was a receipt or bill of lading given therefor, signed by the commander; and did said receipts and bills of lading pass for so much cash for the purchase of goods?

Ans. Yes.

Ques. Did you know a man named Madrid? Was he on board the Franklin? When, where, and how did he come on board? Where did he leave her?

Ans. He came on board at Callao. I know it from Mrs. Stewart's sending for me to come into the cabin as the ship was getting under way, and holding a note in her hand which she observed she had received from a female friend in Lima, recommending this person, Madrid, to her protection. She asked my opinion about his remaining on board, and her protecting him. I told her she ought to do no such thing without the consent of the commodore. She observed the commodere would probably turn him on shore and that he would be shot. I understood from her he was a deserter. After some conversation between us, I observed I would go on deck, and if the boat in which he had come was alongside, he must get into her and leave the ship, or I would inform the commodore of his being there. When I got on deck I found that the boat had shoved off, and was from half to three-quarters of a mile from the ship. I therefore thought no more of him until the ship arrived at Quilca, where he went on shore. I was landed at Molliendo; went up to Arequipa; was absent seven or eight days. When I returned to Quilca, he was still on board the ship. Mrs. Stewart, after my return from Arequipa, sent for me into the cabin and observed to me, I wish you would get this man out of the ship. I asked what man? She replied, what, have you forgot all about him, the man who came on board at Callao. I asked if the Franklin had not boats enough to get him on shore? She said yes, but she did not like to ask the lieutenants to put him ashore, and asked me whether I could not procure a boat from some other vessel, which I did. I borrowed a boat, went on board the Franklin, went into the cabin and told Mrs. Stewart there was a boat alongside the ship that would take the man ashore. Whether I went ashore in the boat I cannot recollect; he, however, went off in it. I saw him about ten or twelve days after at Arequipa. I fell in with him on the grand square. He appeared in the same dress he had on board the ship, which was a very mean one. I know nothing more of him than what I have stated.

Ques. Did you get a saw from the Franklin? When and where did you get it? Was it returned; when and where?

Ans. I got a saw at Quilca, under the promise of returning it at Valparaiso, where I thought I should be able to purchase another. When I arrived a Valparaiso, I was not able to procure one, and got a friend to write up to St. Jago, about thirty leagues distant, to ascertain if I could purchase one there. Not being able to obtain one, I took the earliest opportunity, on my arrival in the United States, to have a new saw purchased and deposited in the Navy yard, at New York, for which I have a receipt.

Ques. Do you know of any instances where Commodore Stewart refused to detain the ship for the purpose of receiving moneys or bullion on its way from the mines of Arequipa to the Franklin? if yea, state the times and circumstances.

Ans. I do. I was authorized by a number of persons at Arequipa, Americans and Englishmen, to make the commodore this proposition, when he was about to sail from Quilca, that if he would remain from fourteen to twenty days, they would be ready to put on board the Franklin about $500,000; and if the money did not come down in that time, I obligated myself to be responsible to the commodore for the freight. His reply was, public service is before private interest, and he refused to wait. I know likewise of an application being made to him by an English gentlemen, by the name of Turner, who asked his permission to go down to Lima from Arica, as a passenger in the ship, and to take with him about $70,000. The commodore told him he would take the money, but could not give him a passage. He observed, that if he could not go himself he should not ship the money. He did not go in the ship; whether he shipped the money I do not know.

Examined by the judge advocate:

Question. Was any part of the original cargo of the Canton landed at Valparaiso? Of what did it consist?

Answer. I believe some was landed, but I do not know of what it consisted.

Ques. Do you know whether any arms were carried from Valparaiso in the Pearl or any other ship that sailed about the same time with the Franklin, and where the same were landed?

Ans. I do not.

Ques. Do you know whether any arms were landed from the Pearl at Quilca or Arica, or transhipped from her on board the Canton at either of those places?

Ans. I do not.

Ques. Were you ever requested by Commodore Stewart to board vessels or perform other duties properly belonging to officers, other than the carrying the dispatch from him to General Ramirez, of which you have spoken?

Ans. I was not.

Ques. Do you know of any instances in which Commodore Stewart refused to give convoy or protection to American vessels, or to citizens of the United States engaged in a fair and lawful trade?

Ans. I do not.

Ques. (By the accused.) Did Commodore Stewart make you pay the expenses of the officer who carried the dispatch to the supreme director from Valparaiso to Santiago?

Ans. He did.

On the part of the accused, sundry documents were then read to the court, annexed to the record, and marked (—).

The court then adjourned till to-morrow morning at ten o'clock.

THURSDAY, *September* 1.

The court met pursuant to the adjournment. Present: all the members of the court (excepting Captains Henley and Wadsworth, both of whom were detained from the court by indisposition), and the judge advocate. Mr. Hopkinson, as counsel for Captain Stewart, apologized for the absence of the accused, stating that he was very much indisposed, and requesting that the residue of the documents might nevertheless now be read. The court acceded to this proposition, and the reading of the documents was continued, and the same were annexed to the record and marked (—).

After concluding the reading of the documents, the court, being informed that the defence would be prepared by ten o'clock to-morrow morning, adjourned till that time.

FRIDAY, *September* 2.

The court met pursuant to the adjournment of yesterday. Present: all the members of the court, the judge advocate, and Captain Stewart.

The defence was then read to the court by Mr. Taylor, one of the counsel for the accused, annexed to the record, and marked (—).

The court having been cleared, proceeded to deliberate upon the charges and specifications, evidence and defence, and having maturely considered the same, and formed its opinion upon each and every of the matters of accusation, in order that the judge advocate might reduce the same to form, the court adjourned till ten o'clock to-morrow morning.

SATURDAY, *September* 3.

The court met pursuant to the adjournment of yesterday. The judge advocate read and submitted to the court the record of the opinion, finding, and sentence of the court upon the several charges and specifications against the accused, which, being approved and signed by the court, was directed to be transmitted to the Department, with the minutes of the proceedings of the court, whereupon the court adjourned till ten o'clock on Monday morning.

JAMES BARRON, *President.*

RICHARD S. COXE, *Judge Advocate.*

At a general court-martial, convened at the city of Washington on the eighteenth day of August, one thousand eight hundred and twenty-five, by virtue of a precept from the honorable the Secretary of the Navy, bearing date the seventeenth day of August instant. Present: Captain James Barron, president; Captains William M. Crane, Robert T. Spence, John D. Henley, Jesse P. Elliot, Stephen Cassin, James Renshaw, Thomes Brown, Charles C. P. Thomspon, Alexander S. Wadsworth, George W. Rodgers, and George C. Read, members; and Richard S. Coxe, judge advocate.

This court having fully and maturely investigated the matters submitted to it in the case of Captain Charles Stewart, and considered the charges and specifications, the evidence and the defence of the accused proceeded, this third day of September, in the year aforesaid, to which time the court had been adjourned from day to day, to determine upon the same; and after such deliberation, it is of opinion that the first and second specifications, and the first charge, are not proved, as it alleges that the said Captain Stewart did prevent the captain of the Peruvian brig Belgrano from taking and sending in, for adjudication, the American ship the Canton, then engaged in a lawful trade; that in so doing, the said Charles Stewart was acting in strict obedience to his duty, as indicated both in his instructions and by the laws of nations; and that his conduct on this occasion was highly meritorious and praiseworthy. The court is also of opinion that the residue of the specifications is not proved. The court is also of opinion that the fourth, fifth, sixth, seventh, eighth, and ninth specifications are not proved. It is of opinion that the tenth specification is so far proved as it alleges the purchase of the articles therein mentioned to have been made from the Canton, but the court is decidedly of opinion that there was no impropriety in the act; that it was proper and correct; and that the residue of the specification is not proved. In relation to the eleventh specification, the court is of opinion that it is so far proved as it relates to the employment of the carpenters and other persons attached to the Franklin in the manner stated; but it is also of opinion that such employ-

ment was, in all cases to which the proof reaches, proper, consonant to the practice of the service, and in every view perfectly unobjectionable, and that the residue of the specification is not proved. The twelfth specification is not proved. The thirteenth is so far proved as that it is shown by the testimony that the said Eliphalet Smith was, on one occasion, employed, as a matter of convenience to Captain Stewart, and in aid of the public interests, to carry a dispatch, which had no other than public objects, and that this employment of Captain Smith was designed for the public good, and has not the remotest reference to, or effect upon, any other interests, and that the residue of the specification is not proved. The court is also of opinion that the fourteenth, fifteenth, and sixteenth specifications are not proved. The seventeenth is so far proved as it relates to the building of three small schooners, with the aid of the carpenters of the Franklin, but not out of government property; that this was in the judicious and faithful exercise of an unquestionable right; and that the individuals thus employed, were thus employed by their own free choice, for their own benefit, and compensated for their labor. It is also of opinion that the eighteenth specification is proved; but the act therein alleged is in conformity with the practice of the service, in fulfillment of one of the duties which public vessels owe to the commercial interests of the nation, and essentially useful and necessary. In the circumstances accompanying this particular act, it was wholly unobjectionable, and not attended with any loss or injury to the public. The nineteenth specification is also proved in point of fact; but this likewise is deemed by the court one of those acts in which the convenience and comfort of those engaged in commerce may be essentially promoted without the slightest public injury, and that in this instance it was wholly unobjectionable. As regards the twentieth, twenty-first, twenty-second, and twenty-third specifications, it is the opinion of the court that the said Weaver was absent from the Franklin, with a permission granted on proper and sufficient grounds, till the arrival of the Franklin at Callao, on or about the 1st of August, 1822; that subsequent to this period he was absent without leave; that the muster-rolls transmitted to the Department did not precisely accord with those on board the Franklin, but the variances between them were wholly immaterial, such as could not have been designed, because not calculated to produce the smallest inconvenience or injury, and which the court believes were purely accidental; nor can the court perceive any grounds upon which to attribute this mistake, innocent and unimportant as it was, to any inadvertance of the accused. It is also of opinion that the muster roll approved in November, 1824, was approved in a regular manner, and at a proper time; that the entry contained in it corresponded with the fact and with the information previously communicated to the Department. The court is likewise of opinion that the twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth, and twenty-ninth, the only remaining specifications of the first charge, are not nor is either of them proved, and it does adjudge and declare that the said Charles Stewart is NOT GUILTY of the first charge.

The court is likewise of opinion that the first, third, fourth, fifth, sixth, and seventh specifications of the second charge are not proved, and that the second specification is only so far proved as is set forth, in the opinion of the court, upon the third specification of the first charge, and therefore does pronounce and adjudge that the said Charles Stewart is NOT GUILTY of the second charge.

The facts set forth in the first specification of the third charge have already been passed upon by the court, in its opinion upon the twentieth specification of the first charge, and reference is therefore made to the finding of the court thereupon. The second and third specifications are not proved. The court does, therefore, adjudge and declare that the said Charles Stewart is NOT GUILTY of the third charge.

In relation to the specification of the fourth charge, it is the opinion of the court that the same is not proved, and therefore the said Charles Stewart is adjudged and declared NOT GUILTY of the said fourth charge.

In terminating a trial which has awakened so general and so deep an interest, and in submitting the result to the Executive, the court trusts that the peculiar character of the accusations which have been investigated will furnish an excuse for appending to the record a few remarks.

When rumors and reports are widely and industriously disseminated, calculated to impair the high standing and usefulness of an officer in whom great trust and confidence have been reposed, it becomes the duty of the Executive to afford to such officer, by the convention of a proper tribunal, an ample opportunity of vindicating himself before the world. To afford this opportunity, and to preserve from the insidious effects of unmerited reproach a reputation dear to the nation, won by the honorable services of seven and twenty years, to extinguish prejudices and suspicions created by misrepresentations or misconceptions of public agents and private individuals, and finally to do all which the laws, which justice and which honor exact, this court has been convened.

Charges and specifications have been preferred, embracing all the accusations made against Captain Stewart; an investigation has been made into their truth. It has been conducted by the judge advocate in the most exemplary manner, yet with a minuteness and fullness calculated to leave no doubt or cloud of suspicion resting upon the character of the accused. This investigation has produced what was desired by Captain Stewart, and intended by the Executive, a development of all the important transactions attending the late cruise of the Franklin in the Pacific, and the principles and motives which guided the conduct of her commander. These charges and specifications the court has adjudged not to be proved—to be, in some respects, utterly groundless, and in others to have originated in a misconception or misrepresentation of the most innocent and meritorious acts, and Captain Stewart has been most fully and most honorably acquitted of every, even the slightest impropriety.

The court, however, conceives that the peculiar character of the accusation is such that it would not render that full measure of justice which is required at its hands, by a simple judgment of acquittal. It is therefore impelled by a sense of duty to go farther and to make unhesitatingly this declaration to the world, that so far from having violated the high duties of neutrality and respect for the laws of nations; so far from having sacrificed the honor of the American flag or tarnished his own fair fame by acting upon any motives of a mercenary or sordid kind; so far from having neglected his duty or betrayed the trust reposed in him, by refusing proper protection to American citizens and property or rendering such protection subservient to individual interests, no one circumstance has been developed throughout the whole course of this minute investigation into the various occurrences of a three years' cruise, calculated to impair the confidence which the members of this court, the navy, and the nation have long reposed in the honor, the talents, and the patriotism of this distinguished officer, or to weaken in any manner the opinion which all who knew him entertained of his humanity and disinterestedness. These virtues only

glow with brighter lustre from this ordeal of trial, like the stars he triumphantly displayed when valor and skill achieved a new victory to adorn the annals of our naval glory.

JAMES BARRON, *President.*
W. M. CRANE.
ROB. TRAIL SPENCE.
J. D. HENLY.
J. D. ELLIOTT.
S. CASSIN.
JAMES RENSHAW.
THOS. BROWN.
CHAS. C. B. THOMPSON.
ALEX. S. WADSWORTH.
GEO. W. RODGERS.
GEO. C. READ.

RICHARD S. COXE, *Judge Advocate.*

The proceedings and sentence of the court are approved; with the exception of the exclusion of Samuel Brown as an incompetent witness; the grounds of objection to his testimony, apparent on the face of the record, being considered as going to his credibility, and not to his competency.

JOHN QUINCY ADAMS.

WASHINGTON, *September* 5, 1825.

U. S. SHIP FRANKLIN, *Arica, June* 22, 1822.

SIR: You will assume the command and direction of the dispatch boat, and have her rigged, and prepared for service.

When that is accomplished, you will apply to Lieutenant Wm. M. Hunter for the men necessary for her navigation. When you have prepared her for service you will report to me, and your instructions will be furnished accordingly.

I remain, very respectfully, your most obedient servant, CHAS. STEWART.

Lieutenant HENRY HENRY, *U. S. Ship Franklin.*

U. S. SHIP FRANKLIN, *Callao, April* 23, 1824.

SIR: You will deliver over to Mr. Nixon the dispatch boat Peruvian, and repair on board the Franklin and resume your station.

Respectfully, your obedient servant, CHAS. STEWART.

Lieutenant H. HENRY. *Present.*

U. S. SHIP FRANKLIN, *off Quilca, July* 24, 1822.

SIR: You will proceed, with all possible dispatch, to Guyaquil, where you will inform yourself with respect to the loss of an American whale ship, said to have taken place on that coast; the property had been taken possession of by the government, and the crew placed under restraint. This information was received by Captain Ridgely, when last at Lima, from a seaman who said he had belonged to the ship, and had made his escape. Should you find this to prove a fact, you will use your best endeavors, by strong representations to the authorities, to obtain their release, and a restitution of the property.

You will also represent to the government at that place, by a suitable note, the case of the American schooner Amanda, which vessel was taken possession of by the authorities of Guayaquil, for the purpose of transporting their troops, for which no compensation whatever has been made to the owners of that vessel. You will pay all the respect due to the authorities at the places you may visit, and by no means do anything calculated to compromit our neutral attitude. You will obtain from the best sources, and your own observation, all the political and commercial information that circumstances will permit, and make note of such as may be useful to our government or national interests. You will also ascertain, as far as practicable, the real state of the government and country, and the disposition of both towards the United States.

You will make no unnecessary delay in accomplishing these objects and returning off Lima, where you will find this ship or further orders for your guidance.

Wishing you a pleasant voyage, I remain, sir, your most obedient servant,

CHAS. STEWART.

P. S.—You will please to ascertain at Guayaquil, if possible, the practicability of an officer passing over to Panama with dispatches to Washington; and whether passports can be obtained from the authorities of that place.

C. S.

Lieutenant HENRY HENRY, *commanding the Dispatch Boat.*

U. S. SHIP FRANKLIN, *Valparaiso, March* 23, 1823.

DEAR SIR: Enclosed you will receive some letters which have come to hand since you left us. On your arrival here you will take on board all the provisions, &c., which you may want, and my letters, &c., for this ship or the Dolphin, and come without delay to Quilca, where you will find us, or such further directions as may be necessary for your guidance.

I remain, respectfully yours,

CHAS. STEWART.

Lieutenant HENRY HENRY, *commanding the Peruvian, Valparaiso.*

LIMA, *March* 25, 1823.

SIR: I have the honor to enclose the copy of a note, received last evening from the secretary of state, soliciting your stay in port until after the departure of a secret expedition, which I am assured will take place in the course of the present week. As I have not had the pleasure of seeing you, sir, since your arrival, I am a stranger to your arrangements, and know not that it may interfere with them; but whether so or not, allow me to add that public usage has pointed this out as the mode of interfering with the sailing of neutral ships-of-war during any particular emergency, and that the courtesy of nations has ever given to it a controlling operation.

I am, sir, with great respect, your most obedient and very humble servant,

J. B. PREVOST.

Lieut. HENRY, *of the Navy of the United States, commanding the Tender Peruvian, Callao.*

LIMA, *Marse* 24, del 1823.

El ministro de estado y relacions estenines del Peru, tiene la honra de communicar al agente diplomatica de los E. U., Mr. J. B. Provost, que est Presidente de esta republica Colombia, que la getita Peruvian, conea del navio Franklin no zerpase del Callao antes de la saleda de la expedicion y debe verificaese pronto; y en casa de conceptuaese sa muy ergonte de la vela, antes del termina designado se verifique bayo la palabro de honor del commandante de dicha buque de noticer en punto alguno de los ocupados por los enemigos.

Con este motivo, el ministro de estada, que subsende mattua et l'agente diplomatica de los E. U., los sentimentos de la mas alta consideracion, y aprecia,

Firmado, FRANCISCO VALINESA.

A true copy.

J. B. PROVOST.

SIR: I have the honor to acknowledge the receipt of your note of yesterday's date, covering a copy of one from the minister of state of the republic of Peru, requesting that the dispatch boat Peruvian would wait the sailing of an expedition which you assure me will put to sea this week; and, if this request could not be acceded to, that the officer commanding her would pledge his word of honor not to touch at any port in possession of the enemies of the republic. I shall abstain from making any remarks on the above condition, which is as offensive as it is unprecedented.

Although it is important the vessel in question should join the Franklin as soon as possible, for which purpose she was to have sailed to-day, yet, as I feel satisfied I shall only act in accordance with the disposition of Commodore Stewart, by acceding to all reasonable requests of the Peruvian government, the sailing of the Peruvian will be deferred until Tuesday next.

Very respectfully your obedient servant,

(Signed) D. CONNER.

J. B. PREVOST, Esq., *Special Agent of the United States, Lima.*

U. S. SHIP FRANKLIN, *off Quilca, April* 22, 1823.

SIR: In consequence of the ship Talbot having certainly sailed from Norfolk in November last, by which vessel I have long been expecting dispatches, and as she is in all probability near or at Valparaiso, you will proceed to that place with all dispatch, and receive the dispatches and letters for this ship and the schooner Dolphin, and meet me at Lima without delay.

I remain, very respectfully, your most obedient servant,

CHAS. STEWART.

Lieut. HENRY HENRY, *commanding the Dispatch Schooner Peruvian.*

U. S. SHIP FRANKLIN, *Valparaiso, January* 12, 1823.

SIR: You will proceed with the dispatch boat under your command, (after receiving on board Lieutenant Mayo,) with all possible expedition, to Lima, where Lieutenant Commandant Conner will give you, for Lieutenant Mayo, any dispatches or letters he may have for the government. You will lose no

time at that place by waiting, unless under such circumstances, from important events likely to occur, as may be deemed important for the information of the government. Afterwards proceed without delay to Panama, and land Mr. Mayo. You will then return to Lima, and in case you hear nothing from me after remaining there ten days, you will return to this place.

Wishing you a pleasant passage, I remain your obedient servant,

CHAS. STEWART.

Lieutenant HENRY HENRY, *Dispatch Boat Peruvian.*

U. S. SHIP FRANKLIN, *Callao Bay, August* 4, 1823.

SIR: You will proceed without delay to Valparaiso, for the purpose of having the provisions for this ship in readiness by the first of October next, when I expect to be there, and wish no detention of the ship for the want of provisions. You will be guided by your own discretion and view of the state of affairs generally whether you return to me or not; but write me your intentions, if any opportunity occurs, and I shall be enabled to make my calculations accordingly.

Wishing you a pleasant passage, I remain your most obedient servant,

CHAS. STEWART.

Lieut. HENRY HENRY, *Schooner Peruvian.*

U. S. SHIP FRANKLIN, *at sea, February* 5, 1824.

SIR: Should you not find any dispatch from the Vice-King for me on your arrival at Quilca, you will repair immediately to Valparaiso. You will hold or have no intercourse with Quilca on any other subject whatever, neither will you land, or permit any of your people so to do, but send the Arab's boat in to receive any communication there may be. You will not take any letters or communications for any persons whatever at that place, and it would be desirable that you should not anchor.

Wishing you a speedy return to me, I remain your most obedient servant,

CHAS. STEWART.

Lieutenant HENRY HENRY, *commanding the Dispatch Schooner Peruvian.*

UNITED STATES SHIP FRANKLIN, *Valparaiso, March*, 15, 1824.

SIR: You will remain at this place, with the Peruvian under your command, until the arrival of Commodore Hull in the frigate United States, to whom you will deliver the accompaning letter, and place yourself under his orders, holding the Peruvian in readiness to depart at an hour's notice.

The enclosed directions from Lieutenant Commander Conner of the Dolphin, and Lieutenant Hammersly, commander of the hired armed brig Amanda, you will be pleased to deliver to them as they arrive from Chili.

Wishing you a speedy restoration to health, I remain your obedient servant,

CHAS. STEWART.

Lieut. HENRY HENRY, *commanding Peruvian.*

PHILADELPHIA, *November* 4, 1824.

I hereby certify that the dispatch vessel called the Peruvian, and belonging to me, was wholly and exclusively employed in the public service, and for the use of the naval forces in the Pacific, the whole period Lieutenant Henry Henry commanded that vessel.

C. S.

NAVY DEPARTMENT, *November* 15, 1824.

SIR: Your letter of the 11th instant has been received.

When I had a conversation with you, I made no objection to your claim, because I was not acquainted with the facts of the case, nor am I yet perfectly informed upon the subject; but I do not see any reason for an additional allowance to you while commanding a very small private vessel.

I am, very respectfully, sir, your obedient servant,

SAMUEL L. SOUTHARD.

Lieut. HENRY HENRY, *U. S. Navy, Philadelphia.*

NAVY DEPARTMENT, *November* 18, 1824.

SIR: The papers enclosed in your letter of the 16th instant have changed the views taken by the Department of your claim for pay, and I have accordingly directed your account to be allowed.

I am, very respectfully, sir, your obedient servant,

SAMUEL L. SOUTHARD.

The papers transmitted by you are herewith returned.

Lieut. HENRY HENRY, *U. S. Navy, Philadelphia.*

SATURDAY, *June* 5, 1824.

SIR: The officers who had the honor to address you on the 2d inst., (with the exception of Lieutenant Hunter, Mr. Fitzgerald, and Mr. Andrews,) acknowledge the receipt of your answer, and beg leave to remark:

That they who have served under your command nearly three years, and many of them for a much longer time, without any public mark of your censure or disapprobation, feel hurt that, at this late period, they should have entered most willingly and unhesitatingly into the performance of an act which is considered by you as officious interference, and evidence of combination.

Their solicitation was simply the effusion of their sympathy for a fellow officer, of whose sufferings *they*, in a measure, might be considered the cause, inasmuch as the object of his close confinement was stated to be the maintenance of the peace of this ship, and the terms of his release that he would pledge himself not to provoke, molest, or impede Lieutenant Hammersley, or *any other officer* of the ship, until his case should be finally decided. And understanding that it was your wish to render his situation as little irksome as possible, and anxious that the enforcement of the rigid restrictions imposed on Lieut. Sands should not arise from a misapprehension of the relations between him and the officers of the ship generally, they deemed that the expression of their sentiments on this subject would not only *not* be looked upon as impertinent, but would be even considered as the fulfillment of an obligation due to their commander and their messmate.

Conscious then, of the correctness and purity of their motive, they most respectfully beg leave to disavow the intention of officious interference, and request to be acquitted of the accusation of conduct constituting "combination," which, if merited, would be unbecoming in them as individuals, disgraceful to them as officers, and at variance with the high respect due to their commander.

Commander CHARLES STEWART, *commanding United States Ship Franklin.*

U. S. SHIP FRANKLIN, *at Sea, June* 6, 1824.

SIR: Last evening I received an anonymous letter addressed to me, purporting to come from all the officers who addressed a note to me on the 2d inst., with the exception of Lieutenant Hunter, Mr. Fitzgerald and the Rev. Mr. Andrews.

You will please to transmit to me a categorical avowal or disavowal of this letter having received your authority and consent.

I remain, &c.,
(Signed) CHAS. STEWART.

Copies of the above were sent to Lieutenants E. Ridgeway, H. W. Ogden, W. J. McCluney; Acting Lieutenants J. B. Hall, L. M. Goldsborough; Surgeon T. B. Salter; Lieutenant Commanding John Harris; Lieutenant Commanding Charles Grymes; Acting Purser J. Watson; Surgeons' Mates J. Corzick, R. Stevens; Sailing Master E. Peck.

U. S. SHIP FRANKLIN, *June* 7, 1824.

SIR: In giving my consent to a note's being sent you on the 5th inst., explanatory of the letter which was written you on the 2d, I beg leave to say that it was only intended by me as a respectful explanation of what I was sorry to learn you were displeased with, wishing to do away with any bad impression on your mind; and so anxious am I to assure you that I had not the least idea of offering you offence by any part of my conduct, that I am willing to withdraw my name from both communications referred to.

I am well aware of the respect due from a junior to a senior officer, and if I have acted inconsistently I beg you will attribute my error to the warmth of my feelings in behalf of a friend rather than to any disrespectful motive.

I have the honor to be, very respectfully, your obedient servant,

H. W. OGDEN.

Commodore CHARLES STEWART.

U. S. SHIP FRANKLIN, *at sea, June* 7, 1824.

SIR: Your note of yesterday, agreeably to your wish, cancels your signature and consent to the letters of the 2d and 5th instant.

Your warm feelings professed in that note as a friend of Lieutenant Sands ought to be appreciated and honored, and perhaps few estimate more such feeling growing and advancing with life between two young officers than I do; they are inestimable in every point of view, and ought to be cherished. To you, then, who profess those sentiments for him, I may take the liberty of saying how much it is in your power to serve him, both by good advice and by good works. With a view, then, to contribute anything in my power to promote and cherish this sentiment between you, I can only say that if you find yourself at a loss, and will advise with me for his benefit, you will find me disposed to give it freely and to exert my authority liberally; and if thereby I can contribute, with yourself or any other of the officers, his friends, to bury in the Pacific the griefs and misfortunes of the Pacific, that you may return through the Atlantic to your country with the same unanimity with which you left it, it will afford me great satisfaction.

I remain, &c.,
(Signed) CHAS. STEWART.

Lieut. H. W. OGDEN, *U. S. Ship Franklin.*

UNITED STATES SHIP FRANKLIN, *June* 4, 1824.

SIR: It has given me great pain to observe, (in your answer to the ward room officers' request, that Mr. Sands might be released from his close confinement, and admitted to the usual privileges of officers under arrest, and to which my name was affixed by me, as one of the signers,) that you should deem it an officious interference, and a combination. Believe me when I assure you, sir, that I had not the most remote idea of interfering with your duties, or entering into any combination for that or any other purpose; but believing that you would embrace any measure, consistent with your duties, to release Mr. Sands from his disagreeable situation, I did suppose that this mediation, as it was simply meant, might have some effect. I was aware at the time that it might have the appearance of an officious interference, but was and acted under the impression that you would not view it in that light, and regret exceedingly that any act of mine should deserve so severe a censure from a commander whom I so sincerely respect and esteem.

I have the honor to be, sir, very respectfully, your obedient servant,

EDWARD FITZGERALD.

UNITED STATES SHIP FRANKLIN, *at Sea, June* 4, 1824.

SIR: In reply to your note of this date, I can only observe, that there was no other light left me to view the joint note of the commissioned officers of this ship than two, viz: that of an officious interference with my duties to preserve the peace and quiet of the ship, or, that the officers considered my conduct as reprehensible, from an oppressive, cruel, and lawless confinement of Lieutenant Sands to his room, (without sentinel, and with egress and ingress as he thinks proper), and that, by a spontaneous and combined expression of their desires in his case, they presumed to drive me from my duties, and make any further violent acts he may be guilty of, recoil on me.

I feel sensible that yourself, as well as several other of the officers, have been decoyed into the act by some on board this ship, who have neither the comfort and convenience of Lieutenant Sands, the harmony of the ship, or the good of the service at heart. There could be no difficulty with me in penetrating its two-fold object, neither of which is honorable to an officer, or reputable to the service.

I am aware, also, with how little difficulty some designing men can get up a paper, which bears on its face and purport an appearance of humanity and goodness; and under this semblance how easy it is to decoy a brother officer out of his signature.

Your explanation is perfectly satisfactory, and I am fully persuaded that the motives which prompted you to combine with the other officers, emanated from a superabundance of the milk of human kindness. I can therefore only regret, that a necessity should exist at all for the state in which Lieutenant Sands is placed—but he has reduced himself to it, and it rests only with himself to be released from the contracted limits assigned him.

I remain, very respectfully,
(Signed) CHAS. STEWART.

EDWARD FITZGERALD, Esq., *United States Ship Franklin.*

U. S. SHIP FRANKLIN, *June* 7, 1824.

SIR: In case you should think that I have *intentionally* been guilty of any disrespect or officious interference, I now declare to the contrary, and say that I regret that my conduct should have caused you any uneasiness, and am willing even to withdraw my signature from both papers.

I am, respectfully, your obedient servant, T. B. SALTER.

U. S. SHIP FRANKLIN, *at sea, June* 8, 1824.

Doctor T. B. Salter:

SIR: Your note of yesterday's date was duly received and fully cancels the authority and signature you gave to the letters of the 2d and 5th inst.

It affords me great pleasure and satisfaction to find you the first ready to restore to your ship her character for order and discipline, and who at all times, since you have been attached to her, have contributed so largely and so honorably to the reputation she and those belonging to her have acquired.

I remain, &c.,
(Signed) CHAS. STEWART.

U. S. SHIP FRANKLIN, *at sea, June* 6, 1824.

SIR: I have the honor to acknowledge the receipt of yours of this day's date, and in answer have to observe that the letter to which you refer was shown to me, and it having met with the approval of my messmates generally, and conceiving at the time it was intended to be perfectly respectful, I consented to its being sent. I beg leave, sir, further to add, that if anything either as to its form or contents is considered differently, I extremely regret it, and disavow any intention on my part of its being otherwise than an explanation of my motives for signing the letter addressed to you on the 2d instant, which I signed without any previous knowledge of its being in agitation until it was presented to me signed by those officers whose names precede mine.

I must regret, sir, that my conduct should meet with the disapprobation of a commander for whom I entertain so high a respect.

I remain, sir, your most obedient servant, CHAS. GRYMES.

U. S. Ship Franklin, *June* 6, 1824.

Sir: That my conduct at any time should meet your disapprobation would have been a source of the greatest uneasiness, and that I should be guilty of interfering in duties which did not belong to me, and which has (although innocently and without proper reflection) been done, I trust you will not impute to a wish, in any way, on my part to form a combination against you, an act which I consider in itself disgraceful, and the thought of it has been to me extremely mortifying. With feelings of regret for this act, and my general conduct will warrant me in believing you will do away with any unfavorable impressions towards me,

I have the honor to remain, yours, &c.,

WILLIAM M. HUNTER.

Commodore Charles Stewart. *Present.*

U. S. Ship Franklin, *at sea, June* 6, 1824.

Sir: I have the honor to acknowledge the receipt of your note of this date, and in answer have to observe that the letter to which you refer was shown to me, and it having met with the approbation of my messmates generally, and conceiving at the time it was intended to be perfectly respectful, I consented to its being sent. I beg leave further to add that if anything, either as to its form or contents, is considered differently, I extremely regret it, and disavow any intention on my part of its being otherwise than an explanation of my intentions for signing the letter addressed to you on the 2d inst., which I signed without any previous knowledge of its being in agitation until it was presented to me, signed by those officers whose names precede mine; and looking only to its ostensible object, I affixed my signature to it, without any intention that it should bear a different purport.

I am now aware that it was an officious interference, entered into without due reflection by me, and regret exceedingly that it should meet with the disapprobation of a commander for whom I have so high a respect and esteem.

I have the honor to be, &c.,

JNO. HARRIS.

Commodore Chas. Stewart.

U. S. Ship Franklin, *at sea, June* 6, 1824.

Sir: I have the honor to acknowledge the receipt of your letter bearing this day's date, and in reply beg leave to state that a *note* written you on yesterday, by the officers who addressed you on the 2d inst., (with the exception of Lieut. Hunter, Mr. Fitzgerald and Mr. Andrews,) in answer to yours of the 3d, was transmitted to you with my consent, but not intended to be considered as anonymous, inasmuch as it was in explanation of and referred to a former communication, to which my signature was affixed.

I have the honor to be, your obedient servant,

H. W. OGDEN.

Commodore Charles Stewart, *commanding the Ship Franklin.*

U. S. Ship Franklin, *at sea, June* 6, 1824.

Sir: I had the honor to receive your letter of this date, and in reply have to observe that I did sanction a certain letter being sent to you, (bearing date 5th June, 1824;) at the same time I beg leave to say it was not my intention it should be considered as anonymous.

I have the honor to be, very respectfully, your obedient servant,

W. J. McCLUNEY, *Lieut. U. S. Navy.*

Commodore C. Stewart, *commanding U. S. Ship Franklin.*

U. S. Ship Franklin, *at sea, June* 6, 1824.

Sir: I have the honor to acknowledge the receipt of your letter of this date, and, in answer, have to say that I did, in company with others, give my consent to the letter to which you refer; but I must most respectfully beg leave to add, that it was not intended to be considered as anonymous or disrespectful, and I should be sorry if such a construction should be put upon it.

I have the honor to be, with great respect, your most obedient servant,

J. B. HALL.

To Com. Chas. Stewart, *commanding the U. S. Ship, Franklin.*

U. S. Ship Franklin, *at sea, June* 6, 1824.

Sir: I have had the honor to receive your letter of this date, requiring my avowal or disavowal of a certain letter transmitted to you last evening, and in reply beg leave to say that the draft of a letter, explaining to you the motives which influenced the commissioned officers on board this ship to address you on the subject of Mr. Sands, was shown to me, and the sentiments therein contained meeting my views of the subject, I gave my consent to their being communicated to you in any manner that might be deemed respectful and proper.

The impropriety of sending to you an anonymous communication did not occur to me at the time; and as it would be equally improper in me to subscribe to a document (for the identity of which I have no voucher,) if I can be favored with a perusal of it, I will rectify my error by affixing my signature to it, provided the sentiments are the same which were intended to be conveyed in the letter which was shown to me.

I have the honor to be, very respectfully, sir, your most obedient servant,

J. WATSON.

To Commodore CHARLES STEWART, *&c., &., &c.*

SIR: The letter to which you refer had my entire authority and consent.

Respectfully, your obedient servant,

THOS. B. SALTER.

Com. CHAS. STEWART.

JUNE 6, 1824.

U. S. SHIP FRANKLIN, *at sea, June* 6, 1824.

SIR: Your letter of this day's date has been duly received. In reply, I acknowledge my assent was given to the letter you allude to being transmitted to you, not being conscious at the time that it would be considered as anonymous or in any feature disrespectful.

Respectfully, I remain your obedient servant,

E. PECK.

Commodore CHARLES STEWART.

U. S. SHIP FRANKLIN, *at sea, June* 6, 1824.

SIR: Your letter of to-day has this moment been handed to me. In reply, I have to acknowledge that the letter you received yesterday from the officers of the ward room was sent by my consent, but not under an impression that it would be considered as anonymous.

Very respectfully, your obedient servant,

EBEN'R RIDGEWAY.

Commodore CHARLES STEWART.

U. S. SHIP FRANKLIN, *at sea, June* 6, 1824.

SIR: In answer to your letter, bearing date this day, I have the honor to inform you that I was one of those who addressed you a letter last evening, in answer to yours of the 3d inst., with a view of assuring you that our motive for writing the letter of the 2d instant was not officious, and regretting that the imputation of a combination should have been alleged against us, and requesting of you, as we conceived, in a respectful and becoming manner, to acquit us of the accusation.

I, however, beg leave to state that I do disavow any intent, on my part, of the letter being anonymous, and regret exceedingly it should be considered so by you.

It was considered by me (in common with the rest) as being addressed in a polite and perfectly respectful way, and in one that was most foreign from my intention, either to incur your displeasure or disapprobation.

I remain, respectfully, your obedient servant,

LEWIS M. GOLDSBOROUGH, *Acting Lieut. under your command.*

Com. CHAS. STEWART, *commanding U. S. Ship Franklin.*

U. S. SHIP FRANKLIN, *June* 6, 1824.

SIR: I was requested, last evening, to read a letter, to be addressed to you by the commissioned officers of the ship, proposing to explain the motives which induced them to address the one of the 2d instant; that they did not mean to be officious, or interfere in any manner with your duties as our commander, but were governed solely by humanity towards Mr. Sands. I thought it would remove your impression respecting our conduct, and gave to it my consent and authority.

I remain, very respectfully, your obedient servant,

JAMES CORNICK.

Com. CHAS. STEWART, *U. S. Ship Franklin.*

U. S. SHIP FRANKLIN, *June* 6.

SIR: I beg leave, very respectfully, to request that, if I have unconsciously infringed on the respect due to my commander, I may be acquitted of the offence, as it never was my intention to interfere officiously on subjects connected with his duties and irrelevant to mine. If, therefore, he thinks the papers which he has received from the commissioned officers of this ship, and which received my consent and authority, to be exceptionable, I beg he may withdraw my name from them.

I have the honor to be, with great respect, your most obedient servant,

RICHARD STEVENS.

Com. CHARLES STEWART.

U. S. SHIP FRANKLIN, *at sea, June* 6, 1824.

SIR: In compliance with your requisition, I have to state that a letter, such as is designated in your note of to-day, did receive my authority and consent yesterday.

I have the honor to be, with great respect, your most obedient servant,

RICHARD STEVENS.

Com. CHARLES STEWART.

U. S. SHIP FRANKLIN, *at Sea, June* 7, 1824.

To the ward room officers of the U. S. ship Franklin:

GENTLEMEN: For the honor and reputation of our navy, to which I have devoted the largest portion of my life, and in the welfare of which I have at all times felt and taken so deep an interest, I was in hopes that the letter I received on the evening of the 5th inst., in so anonymous a shape and so disrespectful a manner, was what I conceived it to be, and the lawless combination of so large a body of the officers of this ship had ceased to exist. I find, however, by the replies to my notes, addressed yesterday to the several officers, that I have been mistaken, and that this note of the 5th confirmed the continuity of the combination, with the exception of three of the gentlemen. That its appearance was anonymous, is evident from not a single name being attached to it, who could father it, and that the manner was disrespectful, is evident from its having been brought in by my own servant.

Now for its contents: You say that you feel hurt, after having most willingly and unhesitatingly entered into the performance of this act. If, then, gentlemen, you play with daggers and wound yourselves, why blame me for your sufferings, and call on me to undo or acquit you of an act which you alone have done, and which you alone could undo? I would ask you, gentlemen ("those at least who have served with me nearly *three years and more*") what you have discovered in my character or my conduct, that could lead you to suppose me possessed of supernatural power, or capable of doing a just act, and then to make it unjust by again undoing it? The full force of this insult is not unfelt; it ought not to be passed unnoticed; it merits more than silent contempt, but may hereafter be forgotten. Some of those who have served under me nearly three years and upwards assume much, nay, *much too much*, in implying, because no public mark of censure or disapprobation has yet appeared, that little or no cause has existed why it should appear; or, because I have often passed over slight neglects, not calculated to disturb the order and discipline of the hour, that I cannot see, or that they are immaculate; or, that through the necessities of the service, I have waived the immediate notice of high offences; or, that through my possessing some feelings of humanity (which I have been indirectly charged with wanting, by the note of the 2d inst.)

If some few of the signers of that note have not been similarly situated with Lieutenant Sands long ere this, it is because the dereliction of duty was uncombined with outrage, and did not produce a similar necessity for it; or, because a wish existed to promote the future welfare of such, by affording them a further opportunity of wiping off the past, by the good conduct of the future. Some of you I fully acquit heretofore of any offence; many of all but trifling and slight ones, unworthy and unnecessary to be noticed—but over the heads of a few indeed the law presses heavy. Do not then cut the stranded cord by which it is suspended. In my reply to your note of the 2d inst., I did not scrutinize or desire a disclosure of your motives. I believed them to be of the best intention on the part of the great majority; but I know that no such combination could exist without a head, and I believed you to be acting under a deception.

If we go into an examination of the sufferings of this brother officer, which have called forth such sudden sympathy and affection, I would ask, what are they? for you do not point them out in either of your notes. Will you allow me to answer them, and if I do not do it justly you are at full liberty to add.

In the first place, he is deprived of his seat at your table for violating the rules of society and decorum; he is restrained to limits for a second attack on his and your superior officer; he is under arrest for disobeying my orders, and exhibiting a contempt and disregard for the commission the government had honored him with; nay, he has since abandoned his limits, contrary to my orders, and gone on an expedition where he was not authorized to go; he has augmented the duties of his brother lieutenants, and at one period a national ship of the line has been found on the high seas, through casualties, necessities of the service, and the dereliction of this officer, with only one commissioned lieutenant on board of her. On the other hand, what is this "close confinement," the alleged cause of his sufferings? The limits of his room, with privilege of egress and ingress, as the calls of nature and necessity may require; no interference with his intercourse with others has been made, even though it has been carried to a pernicious excess. He is not prevented going forward and aft, on the upper gun deck, when and as often as he pleases, and his necessity for exercise may require; but it is not to be done at my responsibility, but at his own, and so long as he interferes with none in his egress or ingress, he has a right to attend to his own necessities; there exists no impediment; he is watched by no sentinel.

I would now ask you, gentlemen, if this statement is correct, where exists the cause for your assemblage, and your call on me to change my course, and the nature of my duties? It cannot exist in any human sufferings of his, which I have caused him: or do any appear to exist of which I can relieve him? If I examine the voluntary note of Doctor Salter I do not find it there; if I refer to his sick list, neither is it there; if I refer to your joint note, it is not even there; if I look at himself, there it does not appear. Perhaps we may find his sufferings in the escape he has made from the severity of his duties. He is bleached for the want of burning suns—incommoded by the lack of long and nightly watchings, drenching rains, and the chilling cold of southern climes—yet, I fear even here we shall not find the cause of those sufferings. The sympathy thus excited, then, cannot exist for him; here, then, is one of the deceptions under which you labor; the sympathy, then, is for yourselves (I mean some of you).

His confinement, you observe, (very justly,) is owing, in some measure, to yourselves; and although you have not yet discovered it, permit me to point it out—it may serve you on some similar, future occasion, and if it prove a good to your profession you will be enabled to thank me for it.

When his misfortunes commenced by his lawless attack on your senior and presiding officer, your duty to yourselves, to your visitors, and the obligations you owed to the service and your own honor, ought to have prompted you instantly to have stopped it, and to have protected your presiding officer from the intended insult, and saved your young and thoughtless brother officer from commitment. You were all under the protection of the same laws; your commandant was not unwilling to protect you all equally, under their authority; you could have told him if Lieutenant Hammersley had used reproachful and provoking words towards you—the laws and your commander will give you redress. Do not take the laws into your own hands; respect all by your submission to those supreme laws of the land, enacted under the Constitution for which you have received the national sword, and are sworn to support and defend.

Your letter of the 5th insinuates, as an excuse for the first, that you consider it as the fulfillment of an obligation due to me and your messmate. I am insensible to any obligations due me on that account. If Lieutenant Sands required it of you I am also ignorant, but I presume not, as he knew the moment his pledge was received, but divested of the jolly-boat load of reservations which it towed, that moment his limits would be increased to the fullest extent of my power.

Since writing the above, I have received several satisfactory notes, which fully impress me with the belief that the officers are becoming convinced of their error, and are returning to a due sense of what they owe to the dignity of their own honor and the public interest. I receive them with greater pleasure, as the strongest evidence of the rectitude of their hearts, and the very limited error of their heads; they cancel all that has passed on this subject, so far as they go, and will contribute to arrest the papers from becoming a part of the public archives. Then, let it be buried in oblivion; continue to preserve the confidence of your country, and the regard with which I am,

Your most obedient and humble servant,

(Signed) CHAS. STEWART.

P. S.—It would have been impossible for me to go into the above ramifications of this affair, and to express myself with that candor which belongs to my character, and the occasion seemed to require, without, perhaps, awakening some unpleasant feelings.

It also is due from that candor to assure you that it no less affects myself, and that you must attribute them to the unpleasant occasion which has called them forth, and not to any unjust or ungenerous intention on my part. I shall return an answer to each particular note I have received. C. S.

U. S. SHIP FRANKLIN, *June* 7, 1824.

Commodore Stewart:

SIR: In consequence of having placed my name to a certain application sent to you, sir, by the officers of the ship, I beg leave to say that I did so without any intention of disrespect, or improper interference. If Commodore Stewart thinks my conduct in this case improper, I would be happy to have my name immediately withdrawn.

Very respectfully, your obedient servant, ADRIAN K. HOFFMAN.

U. S. SHIP FRANKLIN, *at sea, June* 8, 1824.

SIR: Your perfectly correct conduct, combined with the medical skill and talent which you possess, and at all times so readily afforded, since you were appointed by me to act as surgeon's mate on board this ship, had excited in me no small degree of pleasure and satisfaction.

My surprise was no less excited on finding your name attached to the letter of the 2d inst., both because you had not been Lieutenant Sands' messmate, and stood in a different relation from that of the other officers. I therefore, on receiving the letter of the 5th, deemed it most proper to leave you wholly at liberty to act for yourself, unembarrassed by any impressions or opinions of mine, fully persuaded that you would do whatever appeared to yourself to be right.

Agreeably to your request, your name stands erased from the letter of the 2d instant.

I remain, &c.,

(Signed) CHAS. STEWART.

ADRIAN K. HOFFMAN, *Acting Surgeon's Mate, U. S. Ship Franklin.*

U. S. SHIP FRANKLIN, *at sea, June* 7, 1824.

SIR: I trust my explanation to you last evening on the subject of those letters will be perfectly satisfactory, and trust you will now permit me to withdraw my signature from them both.

I have the honor to be, very respectfully, sir, your obedient servant,

JNO. HARRIS.

Commodore CHAS. STEWART, *commanding U. S. Ship Franklin.*

U. S. Ship Franklin, *at sea, June* 8, 1824.

Sir: Your notes of yesterday and the day before, have been duly received. They are perfectly satisfactory, and effectually cancel your name and authority to the letters of the 2d and 5th inst., agreeably to your wish.

I remain, &c.,

(Signed) CHAS. STEWART.

Lieut. Commandant John Harris, *commanding the Marine Detachment, U. S. Ship Franklin.*

U. S. Ship Franklin, *at sea, June* 7, 1824.

Sir: In addition to my letter of yesterday, I respectfully beg leave to inform you that, having considered the matter of our correspondence more maturely, I request to withdraw my signature from both communications; believing it to be the most effectual manner of convincing you of the innocence of my intention to act officiously, or engage in conduct bearing evidence of combination.

The motives that influenced me, I trust I have made sufficiently clear in my former letter; and if, while acting under the inducement, I should have committed myself so far as to incur your displeasure, I hope the request now made will entirely remove such feelings.

With sentiments of high respect, I remain your obedient servant,

L. M. GOLDSBOROUGH.

Commodore Chas. Stewart.

U. S. Ship Franklin, *at sea, June* 7, 1824.

Sir: I find, with deep concern, that I have offended in signing a paper addressed to you, soliciting the enlargement of Mr. Sands' confinement; and still more so, in consenting to a letter being sent to you the day after, explanatory of my motive for so doing. As I had no design of offending in either case, I feel myself in duty bound, most explicitly, to disavow the intention; and I am willing, and most anxious, if it will remove your impression, to withdraw my name from the original address, as also my consent to the letter of explanation. I admit it was an officious interference with your duty, and regret it accordingly.

Most respectfully, I remain your obedient servant, EBEN. RIDGEWAY.

Commodore Charles Stewart.

U. S. Ship Franklin, *June* 7, 1824.

Sir: When I gave my consent to a letter being sent you, explaining my motives for having signed that which was addressed you on the 2d instant, it was my wish that it should prove satisfactory to you, and not intended to give the least offence. I hope therefore, by withdrawing my name from both communications, to assure you that my object in signing them was not with the view of appearing officious, or interfering with the duties of my commander. On the contrary, it is my wish to treat him with every respect and consideration; and if I have acted differently from these sentiments, I trust he will ascribe it to a want of due reflection.

I have the honor to be, with great respect, your obedient servant,

W. J. McCLUNEY, *Lieutenant United States Navy.*

Commodore Charles Stewart, *United States Ship Franklin.*

U. S. Ship Franklin, *June* 7, 1824.

Sir: I am now fully aware that my signing the letter addressed to you, on the 2d instant, was an officious interference on my part, entered into without due reflection, for which I am, sir, sincerely sorry.

I beg leave, sir, that you will permit me to withdraw my name from both the notes you have received from us.

I am, sir, with high respect, your obedient servant, CHAS. GRYMES.

U. S. Ship Franklin, *at sea, June* 7, 1824.

Sir: Upon reflection, I am convinced of the impropriety I have committed, by taking a part in the communication addressed to you by the commissioned officers of this ship on the 2d inst. That it was an officious interference with your duties, I am now fully sensible, and I regret exceedingly that I should have been led to the commission of an offence without bestowing a proper reflection upon its impropriety, for which I should incur your displeasure.

In regard to the letter to which I, in common with the other officers, gave my consent, on the 5th inst., I must beg leave further to urge the intention of not offending in the smallest degree; but of expressing, as we all thought and intended, in the most respectful manner, our regret that we should have fallen under your displeasure, by the commission of any offence which bore the smallest mark of combination or of interference with your duties, accompanied by a respectful request to be acquitted of the

imputation. I now, therefore, express my most sincere regret for any part I have taken in the affair, and to convince you that I had no improper intention, I will, with your approbation, withdraw my name from both the letters.

I have the honor to be, with the greatest respect, your most obedient servant,

I. B. HULL.

Commodore CHARLES STEWART, *commanding U. S. Ship Franklin.*

FRANKLIN, *June* 7, 1824.

SIR: Being aware of the construction which has been given by you to the letter addressed to you by the commissioned officers on board this ship, on the 2d inst., and feeling a conviction that such an act, on their part, may very properly be construed into an officious interference with your duties, I beg to assure you that my sanction to that letter was given in the full belief that we were only fulfilling the duties we owed to you as our commander, and to Mr. Sands as a friend and messmate, and that in such a light it would be received.

I beg leave to add my regret that any act of mine should receive such a construction as to draw upon me your displeasure, and as evidence of the innocence of my intention, am willing to withdraw my name from the letter in question.

I have the honor to be, very respectfully, sir, your most obedient servant,

I. WATSON.

To Commodore CHARLES STEWART.

U. S. SHIP FRANKLIN, *June* 7, 1824.

SIR: Reflecting upon your construction of the letter of the 5th instant, produced by your answer to that of the 2d, I have now to repeat, that it was not only my intention not to give offence, but to declare that I am sorry it should have had that effect in the slightest degree, and request that you will allow me to withdraw my name from the act itself.

I remain, very respectfully, your obedient servant, JAMES CORNICK.

Commodore CHARLES STEWART.

U. S. SHIP FRANKLIN, *at sea, June* 7, 1824.

SIR: To evince to you that it was not in my person to become one of a party of combination against you, or knowingly subscribe, to be transmitted to you an anonymous letter, I have to request my name may be withdrawn from the communications to you from the ward room officers of this ship, bearing date the 2d and 5th instant.

Respectfully, I remain your obedient servant, E. PECK.

Commodore CHARLES STEWART.

U. S. SHIP FRANKLIN, *at sea, June* 8, 1824.

SIR: Agreeably to your wish, your note of yesterday cancels your approval of and signature to the letters of the 2d and 5th instant.

I remain, &c.,
(Signed) CHARLES STEWART.

Copies were sent to Lieutenants E. Ridgeway, W. J. McCluney, and C. Grymes; Acting Lieutenants I. B. Hull and L. M. Goldsborough; Acting Purser J. Watson; Surgeons' Mates R. Stevens and J. Cornick; Sailing Master E. Peck.

U. S. SHIP FRANKLIN, *at sea, June* 8, 1824.

Lieut. Wm. M. Hunter:

SIR: Your note of yesterday, which I have received, was quite unnecessary, as I had been apprised by the letter of the 5th that you had withdrawn yourself from further official interference with the subject.

I remain, &c.,
(Signed) C. STEWART.

U. S. SHIP FRANKLIN, *May* 30, 1824.

SIR: I beg leave to inform you that Lieutenant Sands is in need of exercise, other than such as can be obtained in his private apartment.

Respectfully, I am, your obedient servant, THOS. B. SALTER, *Surgeon.*

Commodore CHARLES STEWART.

U. S. Ship Franklin, *at sea, May* 30, 1824.

Sir: In reply to your note of this date, stating that "Lieutenant Sands is in need of exercise other than can be obtained in his private apartment," I have to observe that Lieutenant Sands was informed, long since, of the conditions on which the greatest indulgence of liberty for exercise, both on board and on shore, would be extended towards him; and when the cause of his limited confinement was explained, he did not see fit then to embrace the generous offer, preferring to take the law into his own hands, to yielding to it and preserving the peace and quiet of this ship.

Since then conviction has followed the offence, but notwithstanding this circumstance, I again renew to him, through you, the offer of the privilege of either gun decks for exercise, on the same conditions.

I remain, very respectfully, your obedient servant,

C. S.

To Doctor T. B. Salter, *U. S. Ship Franklin.*

U. S. Ship Franklin, *May* 31, 1824.

Sir: I have received a letter from Lieutenant Sands, in answer to the proposal you made to him. He refuses to bind himself by any other pledge than the one already given, under the belief that it would degrade his standing in society.

I did not intend that my note to you, of yesterday's date, should have relation to any course of conduct adopted by Lieutenant S. It was written without his solicitation or knowledge, and in execution of the part I have to perform towards all those who may come under my official superintendence, without reference to circumstances that are not for my consideration.

Mindful of the confidence I ought to deserve, and which, I trust, you repose in me, and my duty to the officer, the subject of this communication, I take the liberty to repeat the recommendation already made, with the hope that it may be in your power to comply with it, without infringement of the proper and just discipline of service.

I am, very respectfully, your obedient servant, THOS. B. SALTER, *Surgeon.*

Commodore Chas. Stewart.

U. S. Ship Franklin, *Valparaiso, October* 9, 1823.

Sir: I have been under the necessity of sending Lieutenant Sands to his room. The circumstances which led to so disagreeable an alternative are these: While attending to the opening of some packages in the ward room, which had been previously placed there, and as near midships as possible, and entirely out of the common walk, I was jostled by him several times. I conceived, from circumstances at the time, that it was intentionally done, for the purpose of provoking me to commit myself, and mildly requested him not to run against me, "leaving him full seven or eight feet for his walk," when he again repeated it, commanding me to stand out of his way, at the same time making use of most scurrilous and reproachful expressions towards me before several of the servants and others. Conceiving it to be my duty to put a stop to a course of conduct so disgraceful and injurious to the service, I made no retort, but called on Lieutenant Harris, of marines, and directed him to send Mr. Sands to his room.

I am, sir, very respectfully, your most obedient servant,

THOMAS S. HAMMERSLEY, *Lieutenant.*

Commodore Charles Stewart.

U. S. Ship Franklin, *Valparaiso Bay, October* 9, 1823.

Sir: I avail myself of the right given me in the 5th article, under the head of regulations and instructions relative to the United States naval service, most respectfully to say, that I conceive myself aggrieved and oppressed by suspension from duty, while an officer, as deeply implicated, and I believe it will appear, on proper investigation, more in fault than myself, is suffered to proceed as if no misconduct could be alleged against him, and permitted to enjoy every liberty of which I am deprived. I think my case a hard one; and when I assure the commodore that, in the affair in question, I have neither been the aggressor or challenger, believe that he will not persevere in a course of conduct so different from that high-toned sense of justice which has so long characterized his public proceedings.

With sentiments of great respect, I have the honor to be your obedient servant,

JOSHUA R. SANDS.

Franklin 74, *Valparaiso Bay, October* 9, 2 P. M.

Sir: I am under the necessity of again addressing you. Since one o'clock I have been confined to my state room, a resort, Mr. Arthur says, only justifiable in cases of a most criminal nature.

I know not what representations may have been made to you, sir; but would most respectfully suggest the propriety of endeavoring to get at facts through a medium that would have at least the appearance of a disposition to show me that justice which, on fair representation, I am willing to believe you will extend to me.

Very respectfully, I am your obedient servant, JOSHUA R. SANDS.

To Commodore Charles Stewart, *Commander U. S. Forces in Pacific Ocean.*

U. S. Ship Franklin, *Valparaiso Bay, October* 9, 1823.

Sir: In reply to your note of this date, I have only to observe that I have no intention whatever to aggrieve or oppress you, and if, in the course of the execution of the duties and obligations I owe to the service, as well as obedience I owe to the orders of the government, I should, at any time, do you injustice, I can have no objection whatever to your just claims to rights, and the protection of those laws which I may have violated towards you. No person whatever is implicated in the cause of your present suspension, or have I any complaints against any other.

Your conduct towards Lieut. Hammersly shall be a subject of inquiry so soon as circumstances will permit, and be assured nothing will give me greater pleasure than to see your conduct on that occasion divested of the violations of law and order with which it appears to be combined.

I remain, very respectfully, your obedient servant,

(Signed) C. STEWART.

Lieut. J. R. Sands, *Franklin* 74.

U. S. Ship Franklin, *Valparaiso Bay, October* 9, 1823.

Sir: I have the honor to acknowledge the receipt of your letter bearing this day's date. I shall await with patience the decision of my country on my conduct, in any affair that has transpired since the Franklin left the United States.

With every mark of respect due from a subaltern to a superior officer,

I remain your obedient servant,

JOSHUA R. SANDS.

To Com. Chas. Stewart, *Com. U. S. Ship Franklin.*

U. S. Ship Franklin, *Valparaiso Bay, October* 10, 1823.

Sir: I last evening addressed a note informing you of my close confinement. Although the time elapsed has been but a few hours, and in the common-place affairs of service I could not ere this have expected an answer; still to an officer who has, as *yet*, been charged with no crime, and is kept, and would appear by your letters of yesterday it is intended should still remain, in a state of ignorance as to the fault intended to be alleged against him, the time has appeared long indeed.

McArthur's work on naval courts-martial is the authority to which, in most cases, men in the navy resort for such information as may have a bearing on their particular cases. I shall now quote what that able writer has said under the head of the arrest of officers—vol. II, chapter 1: "Should an officer be accused of a capital crime, or of an offence of such a nature as to affect his life; or of which the punishment may bear so heavy upon him as to tempt him to escape and elude justice, it is the custom to detain him in close confinement. But if the offence be of a minor consideration, he is allowed to be a prisoner at large; that is, to walk the deck without interfering in the duties on board, or he may be even allowed to go on shore without his sword, on his word of honor to wait the issue of a trial, or until his enlargement."

As yet, sir, I have not been informed even of the nature of the charge you intend to prefer against me. Your letter of the 9th says: "No person whatever is implicated in the cause of your present suspension, or have I any cause of complaint against any other." Independently of my collision with Lieut. Hammersly, I know of no fault with which to accuse myself; consequently, the inquisitorial proceedings adopted by you in not *even* deigning to acquaint me with the cause of my suspension, together with the connivance of the conduct of your lieutenant, my most avowed enemy, are, I conceive, sufficient grounds for my entering a protest against the conduct pursued towards me since the afternoon of Tuesday, 7th instant, as being illegal, oppressive, unjust, highly calculated to arouse feelings that might have a tendency to produce conduct on which to base other charges against the accused; and inhuman, inasmuch as the confinement necessarily imposes on me the necessity of breathing an infected atmosphere, arising from the putrid bodies of a large proportion of our men laboring under most loathsome, vile and disgusting diseases; ungenerous, because I threw myself on your mercy; and from the tenor of my note, addressed to you from the consul's house, you might readily infer that nothing but the sense of honor, to a man complaining of outraged feelings, could have prompted me to act in opposition *even* to your wishes. As the law pointed out, I availed myself of the privilege of respectfully complaining to you by letter; an answer to which I received. On reading it, I found that insult was combined with injury—insulted by continuance of confinement, injured by being kept ignorant as to the cause of it. But, sir, there is another appeal: the admiral of the navy of the United States, our common superior and President, will do the injured justice. From you and your proceedings, to him I look for redress, and am willing to abide his decision on any conduct of mine since I have had the honor to serve under the flag of my country.

I am sir, very respectfully, your obedient servant,

JOSHUA R. SANDS.

To Commodore Chas. Stewart, *commanding U. S. Naval Forces in Pacific Ocean.*

U. S. Ship Franklin, *Valparaiso, October* 10, 1823.

Sir: A court of inquiry is ordered to assemble on board this ship, on Monday next, to inquire into your conduct towards Lieutenant Hammersley on the 7th inst., at the ward room table; also, the cause of your disobedience towards your commander on that night, and the reasons of your absenting yourself from the ship, thereby neglecting the duties of your office.

You are now confined to your state room under suspension from duty, as it is found by a representation from Lieutenant Hammersley that you repeated your unlawful and insulting conduct towards him in the ward room yesterday. It constitutes a part of my duty, sir, to preserve the discipline, subordination and peace of this ship, and to confine all those who evince a determination to violate either, within such limits, and in such manner, as is best calculated to effect that object, McArthur to the contrary notwithstanding.

I remain, &c.,
(Signed) CHAS. STEWART.

Lieut. JOSHUA R. SANDS, *U. S. Ship Franklin.*

U. S. SHIP FRANKLIN, *Valparaiso, October* 18, 1823.

SIR: The continued indisposition of the president of the court of inquiry, and the very little likelihood of his being able again to preside thereat, constrains me to regret there should be any necessity for the restraint under which I have placed you. This necessity originated in your disposition to disturb the harmony of the ship, as set forth by the complaint of Lieutenant Hammersley. To release you from such an unpleasant situation, and enable you sometimes to go on shore by special permission, for exercise, is desirable, and only requires that you should give me, in reply, your word and honor, that you will not provoke, molest, or impede Lieutenant Hammersley, or any other officer of this ship, until your case is fully decided.

I remain, &c.,
(Signed) CHAS. STEWART.

Lieut. JOSHUA R. SANDS, *Franklin* 74.

U. S. SHIP FRANKLIN, *October* 18, 1823.

SIR: I have just had the honor to receive your note of this day's date. In reply, I beg leave to say: as in no instance have I been the aggressor in the difficulties existing between Lieutenant Hammersley and myself, so I pledge to you my honor not to do anything but defend myself from the injuries he or any other man may choose to offer me.

Very respectfully, I am, sir, your obedient servant, JOSHUA R. SANDS.

To Commodore CHARLES STEWART, *&c., &c.*

U. S. SHIP FRANKLIN, *Valparaiso, October* 19, 1823.

SIR: Your letter of yesterday does not convey to me that unreserved pledge which I asked of you to enable me to enlarge your privileges and make your situation less irksome, which is so desirable to me and ought to be to yourself. My only desire is to preserve to the officers under my command, peace and harmony; and while the regulations of the navy forbid that any officers should take the law into their own hands, on service, it remains open to all for the punishment of injuries committed towards him by others.

With respect to your affair with Lieutenant Hammersley, and who is the wrong-doer, it does not rest with you or me to decide; it belongs to the present court of inquiry, or some future one, to determine, under the law. I have no desire to act on the occasion but in such a way as the law and my duty impose on me, with as little inconvenience to yourself as those obligations require.

I remain, &c.,
(Signed) CHAS. STEWART.

Lieutenant JOSHUA R. SANDS, *U. S. Ship Franklin.*

U. S. SHIP FRANKLIN, *October* 19, 1823.

SIR: Your willingness to make my situation less irksome meets my thanks.

To pledge myself to show no resistance to indignities offered me, I cannot do, when I recollect that the narrow limits assigned me by your order of the 8th inst. were attempted to be abridged by a man who would not, under the privileges now held out to me, long want a pretext for rendering it necessary for you to order the close confinement imposed on me since the afternoon of Thursday, the 9th instant. It is not my wish, sir, to appear restive, or show any want of respect to the laws laid down for the peace, harmony, and good order of the ship, or to appear as proposing terms to you, but most respectfully beg leave to say that, under existing circumstances, the only way that seems to hold out a prospect of meeting your views, is to permit me to retire from the ship, subject at all times to your order, which privilege, remain assured, sir, shall in no way be violated.

With great respect, I am your obedient servant, JOSHUA R. SANDS.

To Commodore CHARLES STEWART, *Commanding U. S. N. F., Pacific Ocean.*

U. S. Ship Franklin, *October* 19, 1823.

Sir: It would be highly improper, under the present state of things, to permit you to retire from the ship, as you suggest.

I remain, respectfully, your obedient servant, C. S.

Lieutenant Joshua R. Sands.

U. S. Ship Franklin, *October* 20, 1823.

Sir: Your note of yesterday convinces me that the rigorous line of conduct pursued towards me is still to be continued.

If I have committed errors, which it remains for some future court to decide, to be removed from the sphere of their attractions is all I have asked. This has been denied. Rank or station in life will not prevent men from the commission of fault. Is it generous, then, to follow with vindictive measures the men we think we have already in our power? I answer not.

When I ask to be permitted to retire from the ship, I would be understood as only applying to remain on shore, or at most permitted to reside at the city, until the departure of the Franklin for the United States, at all times holding myself in readiness to obey your orders, or the mandates of any court that may hereafter be instituted with authority to take my case into consideration.

I am, very respectfully, your obedient servant,

JOSHUA R. SANDS.

To Commodore Charles Stewart, *commanding U. S. N. F., Pacific Ocean.*

U. S. Ship Franklin, *Harbor of Callao, April* 16, 1824.

Sir: The president of the court-martial now in session has informed me that, owing to some informality in its proceedings in my case, it was compelled to defer until some future time the investigation of the charges alleged against me by you. I have been closely confined to my room more than six months waiting a trial. Now that an opportunity is offered, I think myself entitled to a hearing; any little informality that a court composed of men not lawyers by profession might commit, (I think) ought not to be considered sufficient cause for deferring a case which, when properly examined, I flatter myself will appear that I, the accused, have been more sinned against than sinning. I therefore request that you will direct a speedy examination of my case, as every day is adding to those sufferings I have already endured; at a time, too, the laws of our country humanely suppose every man innocent.

Very respectfully, your obedient servant,

JOSHUA R. SANDS.

To Commodore C. Stewart, *commanding U. S. Naval Forces, Pacific.*

U. S. Ship Franklin, *Callao Bay, April* 16, 1824.

Sir: The general court-martial now sitting ought to know their duty, and I trust they will perform it. Your trial, when it does take place, shall be a just and fair one, or no sentence shall be carried into effect operating against you; therefore keep yourself in readiness for trial.

I remain, &c.,

(Signed) CHAS. STEWART.

Lieut. Joshua R. Sands, *Franklin* 74.

U. S. Ship Franklin, *at sea, May* 10, 1824.

Sir: It having been made known to me that you did, contrary to my orders of the 9th October and 3d November, 1823, last past, without my knowledge, privity, consent or permission, withdraw from the limits assigned you, and proceed on the 4th and 5th of January last, in one of the boats sent on an expedition from this ship for the purpose of intercepting the brig Quintanilla, I have determined to lay the subject before the government, and request a court-martial for this your conduct, on our arrival in the United States, under the enclosed charges and specifications.

I remain, &c.,

(Signed) CHARLES STEWART.

Lieut. Joshua R. Sands, *U. S. Ship Franklin.*

Tuesday Evening.

Sir: Circumstances make it necessary for me to remain on shore, should it be at the expense of my commission. By no means, sir, would I wish you to construe my conduct into disrespect. I hope when we meet I may have it in my power to explain the motives that actuate me to act in a manner seemingly indecorous.

In the interim, believe me, sir, to be,

With considerations of the highest respect, your very humble servant,

JOSHUA R. SANDS.

To Commodore Charles Stewart.

U. S. Ship Franklin, *Callao, April* 13, 1824.

Sir: It is now more than six months since I have been under an arrest and confined to my state room by your order; I have, therefore, to request that you will, so soon as the service shall permit, order a court-martial, to take into consideration the charges you preferred against me in November, 1823.

I am, sir, very respectfully, your obedient servant,

(Signed) JOSHUA R. SANDS.

To Com. Charles Stewart, *commanding U. S. Naval Forces, Pacific.*

U. S. Ship Franklin, *at sea, May* 23, 1824.

Sir: It is now between seven and eight months since, by the order of the second lieutenant of this ship, I was put into a close and confined room; which order met your sanction. I have subsequently been tried by a court-martial on the charges preferred by you, which were the cause alleged for my confinement. Sentence has been passed on my case three weeks since, but I am still kept ignorant of the result. The rigorous course which has been pursued towards me, and which you are aware must be destructive to my constitution, has not been mitigated. Under these circumstances I am compelled to call your attention to this subject.

With due respect, I am your obedient servant,

(Signed) JOSHUA R. SANDS.

To Com. Chas. Stewart, *commanding U. S. Naval Forces, Pacific Ocean.*

U. S. Ship Franklin, *at sea, June* 4, 1824.

Sir: On the 23d ult. I addressed to you a note on the subject of my situation, and requested your attention to it, three months having then intervened from the time the court-martial on my case had closed its proceedings, without my being informed of its decision, and without any mitigation of the rigorous treatment I had received before, and which I flattered myself after trial would take place. I have since been informed of the generous manner in which all the commissioned officers on duty on board this ship addressed to you a most respectful note, soliciting for me the privileges usually granted to officers under suspension or arrest. I have been favored with a perusal of your reply; as that part of it which says "Lieutenant Joshua R. Sands has the power of enlarging the limits which are assigned him whenever he finds them irksome or too contracted" is somewhat ambiguous, it becomes me to put a construction on it least favorable to myself, and assume as its meaning that the power of extending my limits rests with me only when I shall have subscribed to the terms offered me in October last, and renewed seven months and a half afterwards, through the surgeon of the ship, who stated to you in a previous communication the necessity that existed for more exercise than my private apartment afforded.

At this late day I have to observe that my answer to your letter making the generous offer (18th October, 1823,) contained all that you required of me. Without repeating your own words, I agreed to your terms as explicitly as my poor knowledge of the English language would permit. My letter contained all, nay more than you required of me, for I was not ignorant of the circumstances which occurred on the day your generous offer was made; and although it was the first act of your clemency towards me, I did not wish at that time to add to the poignancy of those feelings which the melancholy circumstances of the evening of that day I knew had excited in your bosom. Notwithstanding, with your demand, the promised indulgences did not follow. The consequence has been that I have remained in close confinement ever since. A few days ago, through the interference of the surgeon, the same offer was again held out to me. Were I now, as I did then, to embrace it, would I not be again informed that it "was not that unreserved pledge you required of me, to make my situation as little irksome as possible, which was so desirable to you," &c.? I very much regret that any effort sixteen commissioned officers of the navy of the United States might make to procure the release from a close confinement of a brother officer should bring on them the charge of "officious combination.". I believe it was dictated by feelings common to most men; and that their generous exertion should have brought on them a dishonorable imputation is more painful to me than that their effort to make my situation more comfortable has proved unavailing.

It is also a source of regret to me to perceive that a doubtful meaning is left on that clause of your letter to Dr. Salter, in which you say, "since the conviction has followed the offence." It is impossible to believe that it can be your intention to refer to the sentence of the court-martial on my case; those feelings of delicacy, innate in the minds of all honorable men, revolt at this suggestion; still I am left to conjecture what additional offence I have committed to authorize the assertion that conviction has followed. That on our arrival in the United States it may not be said my long confinement was my own choice, I repeat the answer to the terms you before offered me, viz: I pledge my honor only to defend myself from the injuries he, Lieutenant Hammersley, or any other man, may choose to offer me.

Respectfully, &c., &c.,

(Signed) JOSHUA R. SANDS.

To Commodore Charles Stewart, &c.

The accused objects to Brown's being sworn as a witness. He has been convicted of an infamous crime, and is thereby rendered incompetent, and disqualified to testify in any cause whatever. This man was carpenter on the Franklin, on her late cruise in the Pacific. He was arrested and brought to trial, by Captain Stewart, on charges of embezzlement, and other fraudulent disposal of the ship's stores, placed under his care. The record now offered to the court proves that at a general court-martial, of which Captain Hall was president, held on the 15th of April, 1824, Brown was convicted of these crimes, and

sentenced to "forfeit his pay and subsistence, and to be dismissed the naval service of the United States." This sentence was approved by the President. The clemency of the Executive did indeed remit the pecuniary mulct, but his justice confirmed the sentence which expelled him from the navy as a reproach and dishonor to the service.

Such is the person who now presents himself as a witness. Shall he be heard? Dishonored and degraded himself, shall he be allowed to degrade and dishonor others? especially shall he be suffered to testify against the accused, at whose instance he was tried, and on whom, as the author of his disgrace, his revenge seeks to retaliate similar degradation?

The experience and observation of every individual is necessarily very limited and circumscribed. In the affairs of life, we must therefore rely on the experience and observation of others, and found our belief on the statements of what they have seen or heard. But our faith in these statements rests wholly on our persuasion of their veracity or honesty. In proportion as that persuasion is impaired, is our confidence in the statement diminished. If once satisfied of the want of veracity or integrity in the witness, we utterly reject all statements resting on his authority. This is the deduction of reason and common sense.

The rules of law entirely coincide—one convicted of an infamous crime is not permitted to testify. The proof which the conviction affords, of want of honesty or truth, utterly disqualifies and makes him incompetent. The result is not confined to felonies of the deepest hue; a conviction of theft to the value of a cent, by the common law, disqualfies equally with a condemnation for treason. A statute in England has altered the law in *that* country as to petty larceny. But the common law rule prevails *here;* nor is the rule confined to felonies; a conviction for a conspiracy, or fraud, or gaming, or barratry, or bribery, a witness to absent himself from a trial or any species of *crimen falsi* (that is, of fraud or deceit) produces the same disqualification. For all these cases proceed on the principle that the person guilty of them, is destitute of the honesty of purpose which alone entitles a witness to credit.

The counsel beg leave to refer the court to the following authorities to sustain these positions:

"In the trial of military crimes by courts-martial, the rules of evidence, which have their foundation in the principle of justice and of reason, are the same that apply to the trial of crimes before the civil court."—*Tytler's Military Law*, page 135.

"The rules and doctrines of evidence, as admitted by law in all criminal cases, or on pleas of the ——— are adhered to nearly in the same manner upon trials at naval and military courts-martial."—2 *McArthur*, page 47.

"The law positively excludes certain persons from giving testimony in a court of justice, and these may be reduced to four classes; among them are, 'those who have committed crimes which destroy their credibility, or who are stigmatized by law.' "—*Tytler*, page 139.

"The moral character of a witness is to be considered, when stigmatized by a conviction on record against him for certain crimes; his evidence is *wholly* inadmissible, and becomes, in the eye of the law, what is called an incompetent witness."—*McArthur*, page 56.

"The crimes which are held to destroy the credit of testimony are felony, and the *crimen falsi*, as perjury and forgery."—*Tytler*, page 146; 2 *McArthur*, page 54–7.

"*Crimen falsis* includes forgery, and every species of fraud or deceit."—1 *Brann's Civil Law*, page 426.

"There are many offences which our laws consider such blemishes on the moral character as to incapacitate from giving evidence in courts of justice, as 'treason, and *every species of the crimen falsi*, such as forgery, perjury, subornation of perjury, attaint of false verdict, and other offences of the same kind which involve the charge of falsehood, and affect the administration of justice.' "—*Phil. on Evidence*, page 23.

"By the *common law*, a person convicted of petty larceny was not a competent witness, as the offence was felony no less than grand larceny. Some other offences, also, make witnesses incompetent, after conviction and judgment, as ——— barratry, or bribing a witness to absent himself and not give evidence."—*Phil, on Evidence*, page 23.

"At the present day a conviction of any description of treason, or felony, or of any species of *crimen falsi*, whether barratry, conspiracy, perjury, or other crimes, will incapacitate the party convicted from giving evidence, without regard to the punishment. So, all fraud or gaming, and bribing a witness not to give evidence."—1 *Chitty*, page 589.

The frauds of which Brown was convicted are not merely held infamous by the *naval* regulation which expelled him the service, but amounted to theft and felony by the municipal law.

In making this objection, the accused trusts he will not be considered to raise a mere formal or technical difficulty. The evidence by which the guilt or innocence of a party is to be established is of the very essence of the administration of justice; it is the stream which must be kept pure and incorruptible, or no man will be safe in the sanctuary of the law.

In his own case the accused has no apprehension of injury from anything the witness now offered can testify; but he feels it to be his duty to protect others from so dangerous a precedent. It is further due to the dignity of this court to exclude from its presence a witness whom the law pronounces infamous, and not worthy to be credited or heard.

The question now submitted to the consideration of the court is one which demands its serious deliberation, not more from its bearing upon the present case than as involving a most important principle of law, of general application.

No doubt is entertained by myself, and none can be felt by the court, that no captious disposition has induced this objection, and I trust that the gentlemen who have urged it will accord me equal justice as to my motives and feelings, should it unfortunately appear that we do not wholly coincide in our views.

I am disposed on this occasion, without discussing the questions fully, to yield the general principles of law that have been laid down, and freely to admit that the common law rules of evidence are to be the guides on the present occasion; that, by these rules, a person regularly convicted in due course of law of felony, or even of larceny, is incompetent to testify in a court of justice; and I am equally willing for the present to yield, what may perhaps be considered as by no means free from question, that a conviction before a court-martial is equally operative as a conviction at common law to work this consequence.

Stripped of these collateral matters, the question will then resolve itself into this: Is an individual

convicted by the sentence of a court-martial of the offences charged against this witness thereby rendered incompetent to testify in a court of justice? The offences charged are fraudulently giving away or selling the public property, and embezzling public property, contrary to the twenty-fourth article of the rules and regulations for the government of the navy of the United States.

It may be remarked that Brown was punishable only under a statute. At common law, the embezzlement of public property is not a criminal offence. At common law, also, where property is received by a servant or other individual, as the agent or trustee of another, and he fraudulently appropriates the same to his private purposes, such offence, however heinous in a moral point of view, however anlaogous in the eye of reason to the crime of larceny, is not punishable as such. The offence, then, for which Brown was tried, and of which he was convicted before the court-martial, is a new one, created by statute. The common law could not reach it, not merely from the nature of the act itself, but from the circumstance of its being committed out of the United States.

The first question, then, which suggests itself is this. The statute which creates the crime has not prescribed, as part of the punishment consequent upon conviction, that the party shall thereby be rendered infamous, or incompetent to testify. No such punishment is affixed by the sentence of the court. I am inclined to the opinion that this consequence must always be regarded as part of the punishment following conviction, and therefore, where the offence is cognizable entirely at common law, must be prescribed by that code; when created by statute, the statute must declare that this result shall flow from the conviction. It is in no case sufficient, in order to produce this disqualification, to establish the fact that the party whose evidence is offered has been actually guilty of the *crimen falsi;* though he admit it on his examination, though he avow himself an accomplice, the objection goes only to his credibility, not to his competency. He must have been regularly convicted, and then only is he rendered incompetent to testify. The inference therefore deducible from this view of the matter is that, as the statute which creates the offence, and the court by which he was tried, have not prescribed this punishment of infamy, the witness is not, by the conviction produced, disqualified from testifying.

Should the view I have taken of this matter be considered unsatisfactory, I am also of opinion that the offence laid to the charge of Brown cannot be regarded as one which, if cognizable at common law, would render him incompetent. The essence of it is embezzlement of public property. Embezzlement signifies the appropriation to one's self of that which was received, or held in trust for another. It is a breach of trust, not larceny. At common law, a cashier of a bank could not be guilty of felony in embezzling an India bond which he had received from the court of chancery, and was in his actual as well as constructive possession. 1 Leach, 28; 3 Chitty, A. L. 364 (935, 6). The embezzlement of his master's goods by a servant, to whose custody they had been entrusted, was no criminal offence at common law, but made felony by the statute 21 Henry VIII, c. 2. So if a clerk received money of a customer, and, without at all putting it into the till, converted it to his own use, he was guilty only of a breach of trust. 2 Leach, 835; Chitty, u. s. A person inhabiting furnished lodgings, it was held by high authority, could not be guilty of larceny in taking the furniture let to him, and which he had a right to use, until the statute 4 William and Mary, c. 9, provided for the case. 3 Chitty, 367 (938).

It would be easy to multiply indefinitely citations to show the clear distinction known to the law between acts which amount to larceny, and those which are considered as breaches of trust. A conviction for the former disqualifies the individual from testifying in a court of justice; by the rules of the common law, the proof of the latter is followed by no such result.

It is not my business to vindicate the propriety of these distinctions. It is sufficient that they exist. With the greatest respect, therefore, for the opinion of the learned gentlemen who have urged this point, I am constrained to deliver it as my opinion to the court, that the objection only goes to the credibility of the witness, not to his competency. No serious inconvenience, it is apprehended, can result from a corresponding decision by the court, since the court is in duty bound to weigh the testimony of the witness, and to give it only that credit to which, under the circumstances of the case, he may be deemed entitled.

RICHARD S. COXE. *Judge Advocate.*

AUGUST 29, 1825,

NAVY DEPARTMENT, *September* 8, 1821.

SIR: You have been appointed to the command of the United States ship Franklin, destined to the Pacific ocean, for the purpose of protecting the commerce of the United States in that quarter of the world.

The schooner Dolphin, Lieut. Commandent David Conner, is ordered to accompany you on the cruise, and to be subject to your order. You will proceed directly round Cape Horn, and stop at the port of Valparaiso, where you will make the best display of your ship, and pay the usual civilities to the authorities of the country as due from a friendly nation. At that port you will ascertain whether the commerce of the United States has been molested by the cruising ships of either of the parties at war, and consult with J. B. Provost, Esq., the United States agent in Chili, as to the causes of such molestation, and the best means of affording relief and protection to the citizens of the United States and their property, so far as the laws of nations can be urged in their favor. Endeavor to secure for your country all the respect due to our rights; and at all ports and places, which you may visit, pay particular respect to the existing authorities of the country; and to avoid all collisions and disputes, maintain the strictest discipline, and permit none of your officers or men to visit the shores in cases where either of them shall have violated the rights of hospitality, or conducted themselves unbecoming the high reputation of our navy.

The public papers have announced that the government of Chili has declared the whole coast of Peru in a state of blockade, without anything like an adequate force to maintain it; and although the validity of this blockade is not admitted by the Government of the United States, so as of right, according to the laws of nations, to exclude our merchant vessels from the coast, or to subject them to lawful capture for a violation of the blockade, but on the contrary its legality is expressly denied, yet the nature of the controversy that is carrying on in South America, being a struggle on one side for liberty and independence, renders it peculiarly fit and proper for the United States to avoid any collision with them, or to do any act that may, in any manner, have the appearance or admit of the construction of favoring the cause of

Spain against such a struggle. The policy of our government has heretofore been, and it still is, to observe the strictest neutrality, and this you will endeavor to pursue. I deem it necessary, during the present state of things, to caution you to avoid all collision with the Chilian squadron, under the command of Lord Cochrane, and to let nothing but the protection of the honor of the American flag lead you to an open conflict with any of the vessels under his command. Act at present on the defensive only; and for all violations of our neutral rights, if any occur under your observation, let strong and spirited appeals be made, through our public agent, to the government of Chili, impressing it upon the proper authorities that it is from respect to them, and the cause in which they are engaged, that our rights are not protected by force, instead of appealing, in a peaceable and friendly manner, to their sense of justice.

You will decline taking on board, for either party in actual hostility, in Chili or Peru, men, money, provisions or supplies, to be carried for such party to any other port or country whatsoever; except specie, which you are permitted to bring to the United States on your return.

For the contingent expenses, pay, &c., during the cruise of the ship Franklin, the purser will draw upon this Department, directly, under the sanction of the approval for the amount, on the best terms attainable; and it is presumed that such bills will be sought for by those who may wish to get funds from that country to Europe, or the United States, and in most cases at an advance premium. Bills may be drawn at such sight as the payees shall require, provided they be accompanied by letters of advice. It will be necessary to divide the amounts under the heads of appropriation for which the money shall be required to be expended, including pay, provisions, repairs, contingent, and pay, &c., of marines. The letter enclosed for Capt. Charles G. Ridgely, is an order for the return of the United States ship Constitution, under his command, immediately after your arrival, provided no important services or exigencies shall imperiously require that ship's co-operation previously to leaving that ocean.

I recommend your frequent communications to this Department, relative to all your movements, and the events which may take place. You will probably find the most direct conveyance for your dispatches through Panama and across the Isthmus.

You have, also enclosed, a copy of the general instructions of this Department, in relation to piracy and the slave trade, for your government, in the event of your meeting with vessels of either description on your passage out, or your return home.

It will be convenient for the vessels under your command, on your return to the United States, to enter the port of New York.

Previously to sailing, direct a complete muster roll to be transmitted to this Department.

Wishing you health, and a fortunate cruise, I have the honor to be,

Sir, your most obedient servant,

(Signed) SMITH THOMPSON.

Commodore CHARLES STEWART, *U. S. Ship Franklin, New York.*

NAVY DEPARTMENT, *August* 17, 1825.

The preceding has been carefully compared with the record kept in this Department, and found to be a true copy.

JOHN BOYLE.

NAVY DEPARTMENT, *October* 27, 1824.

SIR: I have received and examined the proceedings of the court-martial in the cases of Lieut. Joshua R. Sands and Midshipman John M. Rinker, and wish to be informed why the said proceedings have not been either disapproved or approved, and the sentences carried into execution.

I am, respectfully, &c.,

(Signed) SAMUEL L. SOUTHARD.

Captain CHARLES STEWART, *U. S. Navy, Philadelphia.*

PHILADELPHIA, *October* 29, 1824.

SIR: I had the honor to receive your letter of the 27th inst., inquiring why the court-martial proceedings in the cases of Lieut. J. R. Sands and Midshipman Rinker have not been approved or disapproved, and carried into execution.

In reply, I beg leave to refer you to the tenor of the sentences which, requires that they should be carried into effect, by the commander-in-chief, a title belonging exclusively to his excellency the President of the United States.

It would have been arrogance in me, and an improper assumption of responsibility, at a time when I was no longer even commander of the squadron, and only senior officer on the station, which you will perceive by the transfer of the command to Captain Hull, dated April 29.

By the marked distinction made in the sentences, by the court in those two cases from the others tried at the same court, and which were carried into effect, you will perceive more forcibly the views and intentions of the court-martial.

If the proceedings in the case of Midshipman Rinker do not bear my approval, it is an omission, for I was under the impression it did.

Considering those in the case of Lieut. Sands as evidently partial and lawless, I could not give to them my approval. Besides the irregularities which appear in the proceedings, there are others that took place which do not appear on the record.

I have the honor to remain, very respectfully, sir, your most obedient servant,

(Signed) CHARLES STEWART.

The honorable SAMUEL L. SOUTHARD, *Secretary of the Navy.*

NAVY DEPARTMENT, *November* 3, 1824.

SIR: I return to you the proceedings of the general court-martial, in the cases of Lieutenant Joshua R. Sands, Midshipman John M. Rinker, and carpenter Samuel Brown, and I request that you will approve or disapprove of them; and, in the case of the latter, that you will state your reasons on each case separately.

I have also to request that you will state whether you authorized the appointment of a deputy judge advocate.

I am, respectfully, &c.,
(Signed) SAM'L L. SOUTHARD.

Captain CHARLES STEWART, *U. S. Navy, Philadelphia.*

PHILADELPHIA, *November* 5, 1824.

SIR: I had the honor to receive your letter of the 3d instant, covering the general naval court-martial proceedings in the case of Lieutenant J. R. Sands, Midshipman John M. Rinker, and the carpenter, Samuel Brown. In compliance therewith, I enclose to you the proceedings in the case of Midshipman J. M. Rinker, approved, heretofore accidentally omitted.

Those in the case of Samuel Brown, carpenter, from the nature of the sentence, require the approval of the Executive, agreeably to law.

The proceedings in the case of Lieutenant J. R. Sands are returned disapproved, for the following reasons: First, under date of the 15th April, 1824, I was under the necessity of suspending the proceedings in the case of Lieutenant Sands, in consequence of the court having proceeded illegally and unprecedentedly in the case of the judge advocate, he having been objected to by the prisoner, which objection was admitted by the court. Second, I had assured Mr. Sands that no sentence should be carried into effect, operating against him, unless the proceedings were just and fair. Thirdly, I could not approve a sentence which lawlessly assumes a prerogative belonging to another power, the right of mitigation, as expressed in the sentence. In page 28, of the proceedings, it appears they were lawlessly suspended by the court, for the purpose of taking into consideration the propriety of releasing Lieutenant Sands from the limits I had assigned him.

Enclosed I transmit you the letters transmitted to the president of the court on the subject of the judge advocate, which will exhibit how far I had anything to do with the appointment of the deputy.

I have the honor to be, &c.,

CHARLES STEWART.

Hon. SAMUEL L. SOUTHARD, *Secretary of the Navy, Washington.*

Mr. President, and members of the court:

If an honorable man can have any consolation, when judicially and criminally charged with official misdemeanors, and the violation of the sacred duties he owed to himself and his country, it must be in finding his case submitted to the investigation and decision of honorable men: alive to all the sensibilities and pride of a well earned reputation; distinguished by their high rank in their common profession; firm in the confidence of their common country, and fully possessed of the experience and knowledge necessary to enable them to judge with perfect intelligence of the guilt or innocence of the accused.

Thus stands Capt. Charles Stewart before this court, and such is the tribunal by which he is to be tried.

On his part, his object and intention is to make a full, explicit and unreserved exhibition of all the transactions to which the charges against him relate, so far as he has any knowledge of them. He desires to derive no protection or aid from concealment, or the affectation of ignorance of anything really known to him; but will truly expose to this court and the country everything in his knowledge connected with his command in the Pacific, and relevant to the matters now under investigation. If his justification is not to be found in the truth of his case; in the honor and innocence of his intentions and motives; in the meritorious and conscientious discharge of the high duties and responsibilities of his station, he will not seek nor receive it from subterfuge and evasion. He requires to be *justified*, not to be screened from punishment; he asks to receive his honor and his sword unstained from your hands, and not to escape the penalties of the law.

There cannot be a member of this court that has not had personal knowledge and experience of the difficulties, mistakes and impositions to which the commander of a ship-of-war, on a foreign station, is daily and inevitably exposed, with his utmost vigilance. He is surrounded and beset by so many whose interest it is to deceive and mislead him, that if he escapes, even some serious errors, it may be deemed almost miraculous. Such experience will enable you to discriminate, with accuracy, between the errors arising from such sources and circumstances, if any shall be found, and those intentional, corrupt wrongs which are the proper objects of prosecution and punishment. This is an indulgence, I should rather say a justice, without which the great trusts of society could not be discharged; without which no man would be so insane as to take upon himself any public duty. It is the protection of every judicial officer, from the highest tribunal of our country to the lowest. It is the protection of the honorable members of this court, who, being human, are liable to err, but whose errors cannot be visited upon them either criminally or reproachfully if committed with pure hearts, a careful examination of their duties, and an honest endeavor to perform them. Nothing ever has been, or justly can be, required of any man, called upon to act on his own judgment, but an upright, conscientious discharge of the trust reposed in him. If there be found in the case no selfish motive; no corrupt influence; no private or public views inconsistent with the duties of the officer and the honor of the man, it is impossible there can be crime in the legal or moral sense of the term. It is impossible that errors of judgment in difficult situations, on difficult points; that impositions practiced on a commander against which he could not guard himself, or irregularities committed without his authority or knowledge, and without any gross and culpable negligence on his part, can be the legal, equitable or reasonable subjects of a criminal accusation.

In judging this case, then, it is indispensable to keep in view the time, place and circumstances under which the complaints arose, which have given birth to it. A civil war of a barbarous and exterminating character was raging in South America; there was no permanent government which pervaded the whole country and afforded a constant and regulated protection; but each party predominated in particular provinces, by turns, according to the result of a battle or a siege; a regular system of revenue and finance to meet the exigencies of the war was unknown, and the necessities of the combatants were, in part, at least, supplied by plunder, under any form and pretence, and from anybody, that might suit the occasion. If such proceedings were not directly practiced and authorized by those who from time to time held the powers of the people, and may in some sort be called the government, it is certain they did not or could not prevent and restrain them. In such a state of things, neutrals engaged in the most lawful commerce were daily falling a prey to the rapacity and avarice of marauders on the sea and robbers on the shore. To protect our citizens from injuries and ruin of this kind, to save their property from lawless plunder, and their persons from imprisonment and death, the President sent out the force of the nation. To the commander of this force the situation was delicate and hazardous, and he has a just claim to the utmost liberality in judging of his conduct. He was assailed by the sufferings and complaints of his countrymen on the one side, whom he was bound to protect, and, on the other side, he was menaced, when he interfered, by the local authorities of an extended coast, in the possession of different parties, and charged with an invasion of their national rights and sovereignty. He was compelled to decide and to act, and to do so promptly and efficiently. He was far distant from his government, and could not look there for counsel and countenance in difficult emergencies, and on intricate questions. Nothing could then, or should now, be required of him, but a pure and conscientious exercise of his judgment on the case as it was presented to him, and an efficient discharge of his duty according to the judgment so formed. Even error thus fallen into cannot be criminal or reproachful; as to dissatisfaction and complaints from the contending parties, whenever the accused interposed between them and their prey, is it not obvious they would become frequent and violent in proportion as the commander was firm and vigilant in performing his duty? Every disppointment of plunder would be a cause of complaint; every American citizen who was rescued from the grasp of their rapacity would excite indignation against the man who interposed to save him; and if they were so fortunate as to have an agent of the United States, who gave a willing and an eager ear to such complaints, is it to be wondered at that they multiplied without number, and assailed every naval commander of the United States, who had been put upon this arduous and dangerous duty?

The accused cannot be charged, however it may have been insinuated, with any partiality or preference for of either the belligerent parties. His official correspondence will show that his sole object was the protection and succor of his fellow-citizens, in their lawful pursuits; and that, whether the injury came from a patriot or a royalist, he was equally prompt to redress it.

With these general observations, containing principles important to, and which will be relied upon in, the defence, we proceed to a more special consideration of the charges set forth in the specifications submitted for the decision of the court, and the answers and explanations which will be severally given to them.

CHARGE FIRST—UNOFFICERLIKE CONDUCT.

First specification, charges the accused with various acts of misconduct in the months of May, June, and July, of the year 1822, in relation to the following vessels: the American ship called the Canton; the American ship called the Pearl; an English brig called the Sarah; a French ship called the Telegraph. The acts charged are:

1. In aiding and assisting those vessels in carrying on a contraband and illicit trade with certain ports in Peru.
2. Aiding and assisting them in violating the laws and decrees of the existing government of Peru.
3. In aiding them in transporting and landing arms, military stores, and other contraband articles.
4. And in protecting the said vessels from the consequences of such illegal traffic, by employing, or threatening to employ, the naval force of the United States in their defence.

It cannot have escaped observation that, with the exception of the last matter, no intimation or suggestion is made of the manner or means by which the alleged aid and assistance was afforded. This is now mentioned, not by way of a legal exception to the specification, but to excuse ourselves, if we are compelled to wander a little in the dark in seeking to meet and disprove the charge.

We put the French ship, the Telegraph, at once out of our way, by asserting, as we shall unquestionably prove, that we never gave her any sort of aid or assistance whatever in her carrying on any trade, lawful or unlawful, or in any other way, or for any other purpose; and that, so far from protecting her from the consequences of her illegal traffic, if she were engaged in any, she was actually captured by a patriot ship-of-war, directly under the guns of the Franklin, when, by the smallest movement for her protection, the capture might have been prevented. But Capt. Stewart had nothing to do but with the vessels and property of the citizens of his own country.

As to the Canton, we answer that this ship and her cargo were both, and entirely, the property of citizens of the United States, and were, therefore, both entitled to the aid and protection of a ship-of-war of the United States, while employed in a lawful commerce. This vessel sailed from the United States in the charge of Capt. O'Sullivan and Mr. Horatio Ward, who were joint supercargoes—the former being also master of the ship. She arrived at Valparaiso, where the greater part of the cargo was purchased by Capt. Eliphalet Smith, on condition that it should be delivered to Capt. Smith at Arica or Quilca, two of the ports of Peru, called the Intermedios. Of course, until the arrival of the goods purchased at one of those ports, the sale was not completed. The Canton sailed from Valparaiso for Arica and Quilca, in charge of Capt. O'Sullivan, in order to deliver there the goods purchased by Capt. Smith, according to the terms of the contract. She sailed in May, 1822, and she did go from Valparaiso to Quilca and Arica, under the convoy and protection of the Franklin; but it is utterly and explicitly denied that she carried on any illicit or contraband trade, that she violated any of the laws and decrees of the existing government of Peru, or transported or landed any arms, military stores, or contraband articles of any kind, at the ports mentioned, or any other ports. On the contrary, it is expressly alleged, and will be expressly proved, that all the cargo taken in the Canton from Valparaiso consisted of French, English, and German dry goods, wine, oil, and perhaps some other articles of the same character. And it is further expressly alleged, and will be proved, that all the goods landed at the said ports from the Canton were duly and

regularly entered in the custom houses of the said ports, according to, and under, the authority of the laws of the existing government, and that all the proceeds of the sales of the said cargo and goods, consisting wholly of specie and bullion, were also taken on board the Franklin, with the knowledge and assistance of the officers of the said custom houses, and under the authority of the existing government; and, of course, that, in relation to this ship and her cargo, the accused neither employed, nor threatened to employ, the naval force of the United States to protect her from the consequences of any illegal traffic. And, further, that, so far was the accused from having any disposition or intention to give aid and protection to any illicit trade, that he refused to give convoy to the Canton, from Valparaiso to Arica, until she had landed at Valparaiso some arms she had brought from New York: and they were accordingly landed.

2. As to the *brig Pearl*, erroneously called a ship, in the specification, our answer is short and explicit: The accused never gave her convoy, nor aid, or assistance of any sort or kind; on the contrary, when convoy was asked for her, he refused it, which was a subject of complaint against him by the master and mate of the Pearl; but she was refused, because she had arms on board.

3. In like manner with the English brig, the "Sarah," the accused had nothing to do, in any shape or manner, or for any purpose. He never gave her convoy, protection, or aid, or assistance of any kind.

These answers are sufficiently broad and explicit to meet the charges of the specification; and if the answers are true and shall be proved, the charges must be overthrown. The accused, however, acting on the principles he has stated, will explain the only transaction in his knowledge, to which the charge of employing, or threatening to employ, the naval forces of the United States can allude. While the Franklin and the Canton were lying at Quilca, a vessel of war in the patriot service, called the Belgrano, and commanded by one Captain Brunier, threatened to capture and make prize of the Canton; not under any allegation or pretence that she was concerned in any illicit or contraband trade, or had arms or military stores on board, but under a charge of her violating a blockade. As the accused knew of no blockade, and there was none, either in point of fact or law, he, of course, denied that any blockade had been or could be violated; and declared that any attempt to take the Canton on that pretext, would be prevented by force. The correspondence between the accused and Captain Brunier will be exhibited to the court, and will fully sustain this statement. This pretended blockade of a coast of immense extent, was supported by no appearance of force, and indeed the whole navy of the patriots at that time did not exceed three or four small vessels. It was a blockade declared by San Martin, on the part of Peru, and the instructions given to the accused by his government had pronounced a much more formidable blockade, declared by the government of Chili, to be illegal and of no validity, because it was "without anything like an adequate force to maintain it." If, under these circumstances, the accused had suffered the Canton and her cargo to be captured by the Belgrano for the breach of such a blockade, and that were now the charge he is called upon to answer, he knows not what defence or apology he could offer for himself.

In a letter from our Secretary of State to Mr. Prevost, this transaction is expressly referred to, and the ground taken by the accused explicitly supported. It is declared that "Captain Stewart could not have submitted to see the Canton captured, under the very guns of his ship, without formally admitting thereby the validity of the blockade in its most licentious extent." I think it will be heard with some surprise by this court, and the American people, to whom these specifications have gone forth through every newspaper, that this charge, which stands pre-eminent in the long list for its bold and criminal daring, has been thus explicitly justified and commended by the American Government; not by general instructions or strong implications, but by a direct reference to the transaction itself.

Second specification. This specification charged the accused with sailing with the United States ship Franklin in June and July, 1822, to the Intermedios for the purpose of aiding in private and illicit traffic, and *with a view to his own private emolument.*

It has already been seen in the answer to the first specification that the only vessel to which the accused had given any sort of aid and assistance was the Canton, convoyed by him at the time mentioned, from Valparaiso to Quilca and Arica; and it has also been alleged and will be unquestionably proved, that the Canton was engaged in no illicit trade or traffic whatever; neither as to the character of her cargo, the manner of disposing of it, nor the proceeds received in return for it. All this would be a sufficient answer to this second specification; stripping it entirely of all that is illegal or offensive in the charge, and entitling the accused to a full acquittal. But however it might judicially satisfy the court to leave this specification with no further answer, it does not satisfy the accused, who knows and feels that here is the foundation of all the suspicion that has been excited against him; of all the calumnies and odium that have been heaped upon his head. The charge is that he gave aid and assistance to the Canton, "with a view to his own private emolument." It cannot be concealed that the source of all the complaints and hard thoughts that have been entertained against the accused, is the belief that he held a pecuniary concern in the Canton and her cargo, and was induced to afford her extraordinary facilities and aid in her enterprise and movements, because he thereby promoted his own interests and increased his own gains. He cheerfully meets this suggestion in the broadest and most unequivocal terms of denial and defiance. He asserts, not only from the absence of all affirmative proof of the fact, but from such absolute and direct testimony as the proposition is capable of, that he had not at the periods mentioned, and never had at any other period, directly or indirectly, absolute or contingent, immediate or remote, an interest of any description, to the value of a cent, in the Canton, in her cargo, or in any of the expeditions, enterprises or speculations in which she was concerned. That he had no pecuniary connection, concern or interest with Captain E. Smith, or any other person under whose care and direction the said ship, her cargo and movements were placed, and that all the aid and protection he gave to the said ship in her transactions had no view whatever to his own interest or gain, but was induced solely by a desire to perform what he considered to be his duty, and according to his instructions in giving the protection of a ship of the United States to citizens of the United States, engaged in the prosecution of their lawful business and trade, and the exercise of their undoubted rights. On the contrary, the accused avers that when, on a certain occasion, he was offered an interest in a commercial speculation which would have afforded him a large profit, he declined it—not because it was illegal or contrary to his duty, but because he was resolved not to expose himself even to unjust suspicions and misrepresentations, and not to trammel or blend the discharge of his public duties with any private interests, connections, views or feelings whatever. If, then, this mistaken and false foundation of the suspicions and calumnies under which the accused has so long and so painfully labored,

be removed, as assuredly it will be, what doubt can remain of the pure and high principles of honor and duty on which he has acted through the whole course of his arduous command?

Remove the imputation of private and sordid objects from his conduct, and what could have been his guides but public honor and duty; the recollection of past services through many years of fatigue and danger, in peace and war, and the brighter recollection of the noble rewards he had received for his services in the confidence and honors of his country?

Third specification, charges the accused with preventing the Peruvian brig Belgrano from enforcing the laws of the government, by taking and sending in for adjudication the ship Canton, detected in carrying on an illicit trade, and in being concerned in the pecuniary profits of the illicit voyages and transactions of the said ship Canton.

Every part of the allegations contained in this specification have been already distinctly and explicitly answered. There was no illicit trade attempted or intended, by the Canton. There was none charged upon her by the commander of the Belgrano, whose only pretext for taking her was the breach of a fictitious blockade, illegal and invalid, and so considered and declared by the Government of the United States, not only in the instructions of the accused, but in various solemn and public acts. As to the participation of the accused in the pecuniary profits of the voyages and transactions of the Canton, legal or illegal, he refers to his answer to the second specification.

Fourth specification. This relates to a transaction which has been the subject of investigation at another place, and before another tribunal. The accused will reply to it, only so far as he is responsible for it. The charge is that the accused transported, or caused to be transported in the United States schooner Dolphin, in May, 1822, one Eliphalet Smith, with goods and merchandise for sale on private account, and permitting said Smith to carry his goods and samples of goods, not designed for the use of the Dolphin, on board of the Dolphin, and permitting said Smith to employ a national vessel to sell and display for sale such, his goods, when such traffic was illegal and contraband, and tended to the disgrace of the navy of the United States.

It must be observed that the mere transporting of E. Smith, a citizen of the United States, in the schooner Dolphin, to the ports mentioned, is not charged or pretended to be an offence of any kind, or against anybody, nor could it be. It is only by connecting it with the other circumstances detailed, in relation to goods taken with Smith, that the offence is made out.

That the accused did permit the said E. Smith to be transported in the Dolphin from Valparaiso to the ports mentioned, or one of them, for the purposes which will be presently mentioned, is freely admitted; but as to every part of this specification which relates to any goods or samples of goods taken by Smith on board the Dolphin, or as to any purpose for which such goods were taken for sale, display, or otherwise, or as to anything that was done or intended to be done with the said goods or samples of goods, the accused gave no permission, express or implied; he had no knowledge, direct or indirect, nor any means of knowledge. He was not on board the Dolphin when the said Smith went on board of her; nor on her passage to the ports mentioned; nor after her arrival there; and whatever was then and there done, was done without any participation or knowledge on his part. His order to take Captain Smith on board the Dolphin is in writing, and will speak for itself. He will, however, state the facts of that transaction, as he expects to give them in proof.

Captain E. Smith went to Valparaiso in the United States frigate Constellation, then commanded by Captain Ridgely. He there purchased the cargo of the Canton, as has been mentioned, to be delivered to him at Quilca and Arica. It was his intention to have gone to those ports in the Canton, and he could have done so, but for the following circumstance:

When he came to Valparaiso, he brought to Captain Stewart, the accused, an official letter from General Ramirez, commander-in-chief of all the southern provinces of Peru, under the royal authority. It was necessary that an answer should be returned to this communication, and one was accordingly written, which together with the letter of General Ramirez will be here exhibited. The general was then at Arequipa, about ninety miles in the interior, and it was necessary to send the answer to Arica or Quilca, to be thence transmitted to Arequipa. The Dolphin was about to sail from Valparaiso to Lima, and would or could touch at Arica or Quilca without deviating from her way. In order then to oblige Captain Stewart, and for no possible benefit to himself, Captain Smith consented to go in the Dolphin, instead of the Canton; and as his business would require him to go to Arequipa, he was to take Captain Stewart's dispatch to General Ramirez. The advantage to the United States in this arrangement was this: had the dispatch been forwarded by one of the officers of the Dolphin, she must have been detained until, in the first place, a license could have been obtained from Arequipa permitting him to go there, and afterwards until he should have gone there and returned.

As to what took place on board the Dolphin in relation to the goods and samples of goods mentioned, it is not material to the accused to explain or justify it, as he had no connection with or knowledge of the transaction; but he will, nevertheless, aver, and stands ready to prove, that no goods or samples of goods were taken for sale on board the Dolphin, or offered for sale, or intended for sale.

Fifth specification, charges that the accused in August, 1822, employed the schooners Peruvian and Waterwitch, then *in the service of the United States*, in traffic and carrying merchandise on private account. The gist and importance of this charge consists in the allegation that these schooners, at the time mentioned, were in the service of the United States. Take away this and there is nothing in the charge. This allegation is directly and explicitly denied; and will be proved to be unfounded. This might be a sufficient answer to the charge, but proceeding on the system of making a full and clear disclosure of all the knowledge in possession of the accused, that has any relation to the subjects of accusation, he will briefly detail the facts about these schooners Peruvian and Waterwitch. The frames, materials and rigging of these schooners, and of another called the Robinson Crusoe, were brought to Valparaiso out from Boston in the brig Pearl. They were afterwards built, or put up by the mechanics of the Franklin; they being paid for their work by the accused. The Waterwitch was built at Arica; the Peruvian at Quilca; and the Robinson Crusoe at Juan Fernandez. It has been the invariable practice of the naval commanders of the United States, as well as of other nations, to permit their people to be employed in in the work, not only of citizens of the United States, but of foreigners also, provided their duties on board the national ship are not obstructed or neglected by such employment; and provided the persons to whom they render such services make them a proper remuneration. By the contract between the accused and the captain of the Pearl, which will be exhibited, the Peruvian became the property of the accused, and he paid for the work of the whole, according to the terms of the contract, besides making a pay-

ment of $500. This is the origin of these schooners, both of which were private property. Now, as to the service in which they were engaged: the charge is that while in the service of the United States they were employed in traffic, and carrying merchandise on private account. As to the Waterwitch, she never was at any time, or for anybody, to the knowledge of the accused, employed in any private traffic, or in carrying any merchandize, but was sent immediately on public service to Guayaquil. The services rendered by these schooners to the United States will be shown to be important, if not indispensable. As to the Peruvian, it has been already stated she was the private property of the accused. The only employment she had in traffic, or carrying merchandise on private account, was as follows, and at a time when the Peruvian was not, and never had been in the service of the United States; although she was about two months afterwards so engaged:

The Franklin, the Canton, and the Peruvian were at sea together; the Franklin being bound to Lima; the Canton to Guayaquil, for a cargo of cocoa; and the Peruvian being in tow of the Franklin, having been launched but a short time before, and not equipped. Captain O'Sullivan, then in command of the Canton, who had been rescued, as already mentioned, by the accused from capture by the Belgrano, was apprehensive he might again fall in with that vessel and be plundered of his goods, as her captain had threatened to take him whenever he could catch him. To avoid this danger, when the Canton was about to separate from the Franklin at sea, O'Sullivan requested permission to put certain bales of goods, all that were left of the cargo of the Canton, on board the Peruvian, not for the purpose of any trade or traffic, but merely for security, and to be restored to the Canton when she should afterwards meet the Peruvian at Quilca, to which port the Canton was to sail, after getting in her cocoa at Guayaquil. This was accordingly done; the goods were taken to Callao in the Peruvian, in tow of the Franklin, and afterwards from Callao to Quilca, but no attempt made to sell them, nor were they ever sold, or offered for sale or traffic there; but on the arrival of the Canton at Quilca, they were returned to her in the same state they had been received from her; taken by the Canton to New York; regularly landed there, paying duties, and conforming in all things to the laws of the United States.

It may be well to add in this article, that by the frigate Constellation, on her return to the United States, the accused had written to the Secretary of the Navy, informing him of the necessity or utility of having some small vessel in the service, for many objects which a ship so large as the Franklin could not perform. After this letter was sent, the Pearl put into Valparaiso, bound to the Sandwich Islands, with the frames, &c., before mentioned, on board, and the accused purchased them on the terms already stated. The Waterwitch, which did not belong to the accused, was first employed in the public service; and afterwards the Peruvian; but not at the time she took the goods on board. To be more explicit as to dates, the Waterwitch sailed, under the command of Lieutenant Henry, in the public service, from Quilca to Guayaquil, on the 26th July, 1822. She arrived at Callao on 2d September, and there found the Peruvian not yet fitted out. He remained in command of the Waterwitch until 26th September, when he transferred his crew and command to the Peruvian; from which time only she can be considered a vessel in the public service, which is about eight weeks after the goods were put on board of her.

We will be a little more particular on this subject. On the 5th May, 1822, the accused wrote to the Secretary of the Navy, thus:

"The present state of Panama would afford great facilities in communicating with Washington, but to effect it expeditiously an advice boat would be requisite on this side; say a small pilot boat, to be manned and officered from the ship, which could be rowed in the long calms to which the passage from Lima to Panama and back, is subject. It would therefore be advisable to send a vessel of that description round here, otherwise no communication could be kept up by that route, as it takes two months for a vessel-of-war of any other description to come from Panama to this place." On the 5th January, 1823, the accused adresses another letter to the Secretary. After speaking of the difficulty and uncertainty of obtaining opportunities to write to the United States, and his instructions enjoined upon him to make "frequent communications to the Department," he says: "I have been constrained to procure myself a pilot boat schooner, *at my own expense*, but officered and manned from the ship, which now enables me to forward to you by way of Panama, the dispatches. The usefulness of this vessel will be more evident to you, when the various services she has already performed will be seen by the accompanying orders." After a scrupulous investigation of these services, the Department was so well satisfied with their usefulness, that it paid Lieutenant Henry the extra allowance he was entitled to as her commander; in addition to which, she recaptured from pirates an American vessel and cargo, worth $60,000, for which no salvage was ever asked or received. It should be remarked, that except this extra pay to Mr. Henry, the employment of this schooner actually cost the United States nothing. The officers and men on board of her would have consumed the same provisions on the Franklin, and all the arms, &c., were returned to the Franklin. The true character and result of this operation was simply this: that the accused, in his zeal to perform efficiently the service he was sent on, procured this vessel for that service, but as his own property and at his own expense; knowing that if his government should not choose to take her, he could always dispose of her for, at least, her cost. The United States had the use of the vessel for about two years, without any charge for it; and when his service ended, the accused sold her so as to reimburse his advances. I hope it will not be thought miraculous or incredible that the commander of an American squadron should do thus much for the service he was engaged in. Let it not be forgotten, he gave the same account of this transaction he now gives, in his letter to the Secretary, when he was far from anticipating any censure for it, and could have no object to misrepresent his motives, and the schooner never was engaged in any but the public service. This act of liberal and gratuitous zeal is now converted into a high crime and misdemeanor! Let every man, hereafter, beware not to do more than his duty, however honorable and useful it may be.

Sixth Specification. With every disposition to give the prosecution the utmost latitude of accusation, and a determination to interpose no exception or objection to impede its course, which the most liberal mind might deem captious or evasive, the accused cannot avoid to remark that this specification is most unreasonably loose and general. It covers the whole period of his command in the Pacific, and every transaction in which he was engaged. No act is specified, no person, and no place. If this is sufficiently certain and definite to put the accused on his defence, no other specification seems to have been necessary—everything is included here. The accused is charged with aiding "the violators," none of whom are named, of the revenue laws of Peru, at "various times"—none designated—between the arrival of the Franklin in the Pacific, in February, 1822, and her departure, in 1824. What the aid was, to whom rendered, when or where rendered, is all a mystery; not a hint is given by which the accused, or anybody

else, can discover with any precision what is alluded to, or would be proved under this specification. It is true, it goes on to allege, in terms equally general, that this aid was afforded by permitting "sundry persons" to carry from the shore, coin, bullion, plata pina, a d other articles, "contrary to the laws of the said government, without the permission, authority, or knowledge of the custom house officers and local authorities, and to deposit the said articles, so smuggled, on board the public vessels of the United States, then under the command of the said Charles Stewart."

It has been already stated that the cargo of the Canton, purchased by Captain Smith, was afterwards sold by him at Quilca and Arica, and regularly there landed through the custom house, and agreeably to the laws of the existing government. It is presumed that the specification now under consideration alludes to the proceeds of the sales of this cargo, consisting of coin, bullion, and plata pina, which were brought on board the Franklin. So far from this having been done with any concealment from the local authorities, or in fraud of the revenue laws of the country, or under any circumstances which resembled a smuggling transaction, it will be unquestionably proved that it was done with the permission, authority, and knowledge of the custom house officers and local authorities—nay, with their direct aid and co-operation—the regular duties being paid and satisfied to the government. The coin, bullion, and plata pina were brought down to the coast from a great distance in the interior, along the public roads, on about seventy mules, in open daylight, and was three or four days on the road. This is a new species of smuggling, a new mode of defrauding the revenue laws and local authorities of a country. It will be recollected that at this time these ports, as well as Arequipa and the adjoining country for several hundred miles on the coast and in the interior, were in the full and unquestionable possession of the royal authority, and under that authority all these transactions took place: and this is, perhaps, the grievance that has called out the complaints of those who were struggling for that authority, and who, had they been in possession of it, would have been treated with the some justice and respect. We look only to the "local authority," in whatever hands we may find it; the question of right the accused was not bound to fathom or decide, nor even at liberty to inquire into.

Seventh specification. This is liable to the same objection of generality and looseness with the preceding, as to times, places, and persons. It charges that specie, bullion and plata pina, and other articles, were, at varions times, brought on board public vessels of the United States, clandestinely and at night, designed to be transported from Peru in violation of the laws of that country. The specie, bullion, and plata pina received in payment of the cargo of the Canton, were brought down, as above stated, on mules from a great distance in the interior. It would sometimes arrive in the day and sometimes in the night, and was taken in boats on board the Franklin as it arrived. As patriot vessels-of-war were sometimes hovering on the coast, it was thought most prudent and safe to ship the specie, &c., immediately on its arrival. But this was so far from being done with an intention of smuggling or concealment from the custom house officers or local authorities, that it was done with their knowledge and aid and under their direction. In the case of the first arrival at night, the colonel commanding at Quilca went with Captain Smith to show him the points or places at which it would arrive, in order that Captain Smith might have his boats there ready to receive it, and dispatched a sergeant to meet the money and have it brought to the places designated by him. So little did the accused imagine that receiving money at night was an offence against the revenue laws, or evidence of fraud and smuggling, that in June, 1822, he wrote to the sub-delegate at Quilca, informing him that Captain Smith's bullion and specie were on the way from Arequipa; that he wished it to be immediately embarked; and, as it would probably arrive in the night, asks his excellency to give such orders to the guard as would prevent their mistaking the boats of the Franklin for those of the patriots, and such orders were accordingly given.

The specification further charges, that the money thus brought on board the public vessels of the United States, was afterwards, at sea, transported to certain vessels bound to distant ports, these vessels being then out of the control of the authorities on shore. After such vessels had passed the examination of the custom house officers, the design of this operation is declared to be, to defraud the laws of the government of Peru; and this is, in fact, the gist and substance of the whole specification. It is, therefore, abundantly obvious, that if the money, &c., in question, was put on board the Franklin by the permission and authority of the local authorities and its custom house officers, having, of course, satisfied all the duties and claims required by the laws of the country, it was wholly immaterial what was afterwards done with it, or whether the vessels in which it was placed were at sea or in port, or had not passed the examination of the custom house officers. It is conceded that this money, bullion, &c., was afterwards, at distant periods, and various places, put on board other vessels, to be transported to the United States to the respective owners to whom it belonged. At other places, to wit, Lima and Valparaiso, money and bullion were put on board the Franklin by citizens of the United States, and others, not parties to the war, on deposit for safe keeping, and afterwards returned to the owners as called for. Whether they had paid duties or not, the accused had no means of knowing, and was not bound to inquire. He was sent on his cruise to protect the commerce of the United States; to afford relief and protection to the citizens of the United States and their property, with no prohibitions or limitations but such as the laws of nations impose. The notorious fact, that the property of citizens of the United States had been violently seized, not only on shore, but from their vessels, not able to defend it, rendered it necessary for its protection that it should be placed on board a ship-of-war, whose force alone could intimidate the audacity of those plunderers, and protect the innocent from their rapacity.

Eighth specification, seems to be but as generalizing the various matters contained in the preceding specifications, or some of them; and the accused therefore refers, as a reply to it, to the answers already given.

Ninth specification, charges that the accused afforded extraordinary and illegal aid to the Canton and other vessels in which he was interested with Captain E. Smith, to the neglect of other vessels engaged in a lawful commerce, but in the profits of which he had no participation.

The accused afforded no aid to the Canton, but such as he has already detailed; and he denies that any part of it was either extraordinary or illegal, or such as he would not have promptly and faithfully afforded to any other American vessel in the same necessity. As to his connection, concern or interest with Captain E. Smith, in the Canton or her cargo, or any other vessel, or any participation in their profits, he has already distinctly and explicitly denied, and will fully maintain his denial. The accused is entirely ignorant, and denies that he neglected to afford protection to any vessel, in his knowledge, to which he was bound to afford it.

Tenth specification, charges that the accused purchased from the Canton, at Valparaiso, in April, 1822, ninety bolts of canvas, twenty-five and a half casks of wine, and three hundred and thirty-five pounds of copper nails, paints, oils, &c., ostensibly for the use of the Franklin, when they were not necessary for her, and in fact were not employed or consumed in her.

It is somewhat hard to call upon a commander of such a ship-of-war, on a station which imposed upon him such arduous, important and embarrassing duties and responsibilities, to account for every article, even to a few pounds of nails or gallons of oil, purchased for the ship, and which he is obliged to procure, not always on his own knowledge or investigation, but on the representations and requisitions of inferior officers, in whose departments these wants occur, or for which the articles are intended.

The accused, however, denying his responsibility for any excesses or errors of this kind that do not amount to a culpable negligence and inattention to his general superintending duty and authority, will give the best account in his power of the matters charged against him.

As to the canvas. He did purchase, or ordered to be purchased, ninety bolts of canvas, on the indent or requisition of the sailmaker; twenty-four of which were actually consumed on board the Franklin for her use, thirty were furnished to the Constellation, Captain Ridgely, and thirty-six were, on the request of the captain of the Canton, who became in want of them, returned to him, and for which he paid the purser of the Franklin, who has regularly credited the United States with the amount, in his accounts; and so far was the purchase of this article from being useless or unnecessary for the Franklin, and so far was she from being amply supplied with it, that it was necessary afterwards to make a further purchase of canvas for her, which has not found its way into this specification; perhaps, because it was not purchased of that obnoxious ship, the Canton. The wine mentioned in the specification was purchased at about fifty cents a gallon by Mr. Hogan, the American consul at Valparaiso, by order of the accused, to be used by the midshipmen of the Franklin, as a substitute for ardent spirits. It was also used, with the exception of two or three casks, which spoiled, and were converted into vinegar, which would have cost about double the price of the wine.

The other articles mentioned were purchased on the indent or requisition of the officers of the Franklin, and were, as the accused believes, either employed for her use, or remain as part of the public stores on board of her.

The actual purchase of all these articles was made by Mr. Hogan, the consul and agent of the United States at Valparaiso, to whom the requisitions or indents were sent by the accused, as he received them from his officers, and who made the purchases of such persons and on such terms as he thought proper. The accounts of Mr. Hogan, filed in the Navy Department, will show this.

Eleventh specification, does not seem to charge the mere causing or permitting the carpenters and other persons attached to the Franklin to be employed in working on board private vessels, as an offence or breach of duty; nor could it do so, as it is a constant and beneficial practice, not only in our service, but in others, both naval and military, to permit the mechanics and other persons attached to a ship-of-war to be thus employed. The grievance laid is, that this was done without any proper and adequate reason, and without any compensation to the individuals thus employed. As to the adequate reason, it is presumed that must depend upon the opinion and wishes and wants of the persons asking for such assistance, and who are willing to pay for it, and would not probably require it on such terms, without an adequate reason. The difficulty and frequent impossibility of obtaining workmen of this description in the ports of the Pacific, are known to many of the members of the court. In every case where the carpenters or other persons of the Franklin were employed in working on board private vessels, the individuals thus employed were compensated for their services by the persons by whom they were employed.

Twelfth specification, charges that the accused received Capt. E. Smith on board the Franklin, and permitted him to remain there nearly a year, engaged in private traffic, and that he employed the naval forces of the United States in subserviency to the views of said Smith. It need not be repeated that it is the constant practice of our service, and it is believed of every service, to take passengers on board our ships for their personal accommodation and business, provided they have no unlawful objects to be aided by this accommodation, and are either our own citizens or are neutral in relation to any subsisting war; nor is any possible inconvenience or wrong perceived in this practice, used with discretion and without inconvenience to the ship. The allegation that the naval forces of the United States were made subservient to the traffic or views of Capt. Smith, is utterly without foundation or truth. Capt. Smith came in the Constellation to Valparaiso on his private business, and it has never been charged as an offence against the honorable commander of that frigate. The principal object of Capt. Smith in going to Valparaiso, was to call upon the accused, and claim his aid in obtaining certain claims he had upon the government of Chili for property taken from him before the arrival of the accused, who was specially charged in his instructions to afford relief in such, and all other cases, to the citizens of the United States. While at Valparaiso, Capt. Smith received information that the brig Macedonian, the vessel in which he had sailed from the United States, with a cargo of about $90,000, belonging to American citizens, was seized by the authorities of Lima, then in the hands of the patriots. On the arrival, as above stated, of Capt. Smith at Quilca, this disastrous news was confirmed; and he requested the accused to take him in the Franklin, then going to Lima, to look after this property. The accused did not and could not refuse this request. He would have abandoned his duty and the orders of his government if he had. He took Capt. Smith to Lima, and this was the first time he was on board the Franklin, unless as a casual visitor. The passage to Lima occupied about seven or eight days, and Capt. Smith remained there with the Franklin about two months, endeavoring, with the aid and co-operation of the accused, to obtain a restitution of his property. The correspondence between the accused and the government at Lima will fully explain this transaction. The Franklin, with Capt. Smith, returned to Quilca, occupying in the passage about twenty-two days, and here Capt. Smith would have left her; but the accused advised him to go in her back to Valparaiso, and on this account: before the accused had first sailed from Valparaiso, he had opened a correspondence with the government of Chili on the subject of Smith's claim, which correspondence will be exhibited to the court. This correspondence the accused had sent to his own government by the schooner Amanda. He had seen it reported in the public papers that Lieut. Forrest was coming out with dispatches to him, and he thought it probable they might contain some information or instructions in relation to Smith's claim upon Chili, which he had communicated, as aforesaid, to our government. He therefore advised Capt. Smith to go with him to Valparaiso to meet any such instructions, should they arrive. Capt. Smith very naturally and judiciously took this advice; sailed in the ship, and arrived in a passage of about twenty-five days; he remained with her there about fourteen

days; sailed to Juan Fernandez, where the ship was detained, not for the accommodation of Captain Smith, about a month; went back to Valparaiso and remained there three or four weeks, and then sailed to Quilca, where he arrived in about eight days, and then left the Franklin, where he would have left her long before, but for the friendly and disinterested advice of the accused. The court have now, with a minuteness certainly tedious and almost ridiculous, but rendered necessary by the charge, an account of all the time spent by Captain Smith on board the Franklin, with the views and objects entertained both by himself and the accused in making these passages.

As a final and decisive justification of the accused, for all the exertions he used to aid Capt. Smith in his endeavors to obtain redress for the loss of the Macedonian and her cargo, it will be sufficient to show that the owners of that property had presented a memorial to our government, praying its interference in enforcing their claims, and that our government accordingly sent a copy of the memorial to the accused, with instructions to give any aid in his power in obtaining satisfaction for them.

I appeal, confidently, to every member of this court, whether he has ever heard of any prohibition in our service, forbidding the commander of a national ship to take an American, or a foreigner, into his cabin, to feed him at his own table, at his own expense, without the cost of a cent to the United States, and carry him where he pleases in the due course of his cruise, provided, in the case of a citizen, his business and purposes are lawful, and in case of a foreigner, he be not a belligerent. True, indeed, the commander of a national ship shall not give the countenance and protection of his force to assist an American citizen in violating the laws of his own country, or invading the rights of another, nor shall he extend his assistance to any belligerent subject or citizen, to protect him against his enemy, for this, in a degree, would be to take part in the war; but, with these exceptions, who ever heard of its being criminal in a naval commander, in any service, to take a passenger in his ship, at his own expense, from one port to another, for nearly a year, or for ten years?

Of Captain Smith, whose presence, on board the Franklin, seems to have excited so much ire against her commander, it is but justice to say, that he has been entrusted with property to an immense amount, by some of the first commercial men in the United States; that this confidence was continued through the course of many years, in situations requiring a high degree of intelligence, firmness and integrity, and that to the last hour of his agency, he retained the respect of his principals unimpaired.

This specification does not charge anything unlawful in the objects or views of Captain Smith, while on board the Franklin.

Thirteenth specification. In reply to this specification, the accused denies that he ever employed the said E. Smith to carry dispatches, with the exception of the letter to General Ramirez, the reasons and circumstances of which have been already explained, which prevented a long and inconvenient detention of the Dolphin at Quilca, when on her passage to Lima; which saved to the United States all the expense of such delay, as well as of a messenger for a license to Arequipa, which was done by the said E. Smith, purely to oblige the accused, or rather, the service of the United States, and which afforded no advantage or facilities whatever, in the knowledge of the accused, or in his view when he sent the dispatches by the said E. Smith, to his private concerns. The accused denies that he ever employed the said E. Smith to board vessels, or perform other duties, which ought to have been executed by officers in the service of the government, unless the carrying the letter to General Ramirez, shall be so deemed.

Fourteenth specification. The manner in which certain bales of goods were put on board the Peruvian, from the Canton, and the purpose for which they were put there, and their subsequent return to the Canton, have all been explained in the reply of the accused to the 5th specification, and need not now be repeated. He has also stated that the Peruvian was not, at that time, a public vessel; and he denies the allegation, in this specification, that she was "ostensibly a public vessel" in any proper meaning of the terms. But let us meet this accusation in its most formidable attitude. What if, instead of these goods having been put in the Peruvian, they had been taken on board the Franklin, for no purposes of trade, but bona fide to preserve them from an impending danger, and were afterwards, when the danger was past, returned to their owner as they were received—whom has he offended? Whose rights invaded? What duty or law has he violated? As to the part of the specification which charges that the accused received and carried on board the Franklin the supercargo of the Canton, and samples of goods put on board the Peruvian, for the purpose of furthering the sale of the said cargo—he answers: that the said goods were not put on board the Peruvian for sale or trade, with any permission or knowledge of the accused, nor were they afterwards offered or used for such purposes, or so intended, with his permission or knowledge; and, of course, the samples mentioned were not brought on board the Franklin with the permission of the accused, to further the sale of the cargo, nor did he know they were brought on board, if they were so, nor were the samples ever exposed or used for any such purpose. The goods, consisting of nine or ten bales of silk, were put into the Peruvian, merely for protection and security against the threatened seizure by the captain of the Belgrano. Mr. Horatio G. Ward, who had been supercargo of the Canton, was employed by the accused, as his secretary or clerk, being acquainted with the Spanish language, and therefore ceased to be the supercargo of the Canton. He appears on the books of the Franklin, to be in her service, from the 1st August, 1822, which is the day after he came on board. Among the baggage of Mr. Ward, these samples of the silks were brought on board; but it was unknown to the accused.

And the accused further begs leave to submit to the consideration and decision of the court, whether it is a violation of any law of the United States, or of any regulation of the naval service, in the commander of a vessel-of-war to take on board his ship a citizen of the United States, with samples of goods really intended for sale by him, and for the purpose of using such samples in effecting such sales, provided the goods are not brought on board the national ship; nor is the ship permitted to deviate from her course in order to facilitate or subserve such objects and purposes; and such citizen has no illicit trade or transaction to be thus aided by the permission or knowledge of the commander. The accused, nevertheless, protests that he had no knowledge that the samples in question were brought on board the Franklin; that he gave no such permission, nor knew of any use made or intended to be made of them, for the purpose of furthering the sale of the goods represented by them.

Fifteenth specification. The accused avers that neither Captain John O'Sullivan nor Mr. H. Ward were received or permitted to remain on board the Franklin, for any long period of time, for the purpose of traffic, or any other purpose. They made occasional and short visits, as other persons did or might have done. In this answer he does not include the period during which the said Ward was employed as his clerk on board the Franklin.

Sixteenth specification. The facts of the transaction, alluded to in this specification, are these: Two horses were taken from Valparaiso to Quilca, one of which belonged to the accused, and was presented by him to a Mr. Cotera, residing at Quilca, in return for some small silver baskets of Indian manufacture, which he had given to Mrs. Stewart. The other horse belonged to Captain E. Smith, which he disposed of at Quilca, as he thought proper; but how or to whom was unknown to the accused. Neither of the horses had any equipments, not even a saddle and bridle, when disposed of as aforesaid. They were both taken on board, at Valparaiso, with the knowledge and permission of the governor of that place, to whom applicaiion for such permission was made, by Mr. Hogan, the American consul. The governor recommended that they should be taken on board at the public arsenal; and it was accordingly so done.

Seventeenth specification. This specification is already substantially answered. The people or mechanics of the Franklin, who were employed in building the schooners mentioned, were fully paid and remunerated for their work, by the accused; any articles taken for their use, and in fact none were taken but for the Peruvian, were afterwards replaced or returned by the accused. A vessel of the description of the Peruvian was required for the public service, and the accused had so informed his government, and the Peruvian was actually and usefully employed in such service.

Eighteenth specification. This specification charges that the accused permitted sails, &c., to be made for the use of the Canton, by the crew of the Franklin and other public vessels, and out of materials which had been purchased for the service of the government. The crew of the Franklin did make on board the Franklin certain sails for the use of the Canton, and they were made of the thirty-six bolts of canvas before mentioned, originally purchased from the captain of the Canton, and afterwards, on his falling in want of them, returned to him and fully paid for by him to the purser of the Franklin, who passed the amount to the credit of the United States. These were services which the accused always thought himself not only authorized but bound to render to his countrymen in need of them, and which he did render, and was always willing to render, to other American vessels, as well as the Canton, when it could be done without injury to the service or loss to the United States. The work done was always remunerated; and the materials used replaced or paid for.

Nineteenth specification. The accused admits that this specification is substantially true. The Dolphin was ordered to proceed from Callao to Guayaquil, to give protection to the commerce of the United States in that quarter. The sails made on board the Franklin for the use of the Canton, as mentioned in the answer to the last preceding specification, were not finished when the Canton sailed for Guayaquil, and the accused took the opportunity of the Dolphin to send them to the Canton. He also sent by the same opportunity $50,000, part of the proceeds of the cargo of the Canton, taken in at Quilca as aforesaid, and belonging to the house of Le Roy, Bayard & Co., of New York, and which Captain O'Sullivan informed him he wanted at Guayaquil. He also sent about $100,000 belonging to Mr. Lang. The sails and the $50,000 were delivered on board the Canton, and the $100,000 to Mr. Lang, who was then at Guayaquil.

When money or bullion were taken on deposit or for transportation, receipts or bills of lading were given for them, signed by the commander of the ship, which passed in those seas in the purchase of produce or goods as so much cash, it being the most convenient and safe mode of carrying funds from place to place, and being known the money would always be paid on presenting them to the ship. Thus when Captain O'Sullivan was going to Guayaquil for his cargo of cocoa, he took with him bills of lading, the same spoken of by Midshipman Hopkinson, for his specie on board the Franklin, intending to pay for his cargo with them. But, for some reason, he found at Guayaquil the money would do better, and therefore it was that $50,000 were sent to him in the Dolphin by Lieutenant Conner, who brought back to Captain Stewart the bills of lading canceled, as well as those of Mr. Lang.

Specifications twenty, twenty-one, twenty-two, twenty-three. These four specifications all relate to the affair of Lieutenant Weaver; and as they have been the subject of so much speculation and misrepresentation, and occupy so large and conspicuous a place among the charges now preferred against the accused, he will answer them with some care and attention, though with precison and brevity. The charges are:

1. That he permitted Lieutenant Weaver, borne on the books of the Franklin, to absent himself from the ship and from her duties, during the entire cruise, from September, 1821 until August 1824, without any necessity or excuse of a public nature.

2. That the accused approved certain muster rolls, by which it was made to appear that Mr. Weaver was performing his duties on board the ship, up to December 31, 1823, when the accused knew he was absent, engaged in his private concerns.

3. That the accused directed the purser to transmit to the Navy Department false and erroneous transcripts from the muster rolls, representing that Mr. Weaver was absent in charge of public stores at Callao, when no such entry was ever made in the original muster roll, and the accused knew said Weaver was not at Callao, and that there were no public stores there he could be in charge of.

4. That the accused caused the purser of the ship to enter on the muster roll, on or about the 16th November, 1824, that the said Weaver was absent without leave from 1st August, 1822, when the accused had approved the muster roll by which it was made to appear said Weaver was actually on board, up to 31st December, 1823.

The accused will answer all these matters by a simple and connected narrative of all the facts, in his knowledge, to which they relate, trusting that the court will apply it to the several parts, as shall be just and requisite.

It was expected that the Franklin would sail from New York about the 1st of September. The situation of Mr. Weaver's family made it desirable for him not to sail so soon. Accordingly, on the 1st September, 1821, he wrote to Captain Stewart: "Circumstances of a personal nature render it extremely desirable for me to remain a short time longer at New York, and to have permission to join the Franklin in the Pacific. I shall proceed in the ship America, bound to a port in that sea; which will be the earliest opportunity from this place." To this application, the accused, on the 5th September, replied: "Agreeably to your request, of the 1st instant, you are hereby permitted to remain in New York, and to proceed to the Pacific, to rejoin the Franklin there, by the earliest opportunity which may suit your convenience." It happened that, from a part of the crew of the Franklin having been found unfit for service, she was detained at New York beyond the time mentioned; and, in the meantime, certain stores, for the use of the Franklin, were, by order of the Department, put on board the America. This produced a second order from the accused to Lieutenant Weaver, dated on the 4th October, 1821, in which he directs him to take special charge of the stores; and, on his arrival at the port of anchorage, to have them stored

and preserved until the arrival of the ship. The America, with Mr. Weaver and the stores, arrived at Callao; the stores were landed and stored; and, after waiting some time at Callao, Mr. Weaver, before the arrival of the Franklin there, returned to the United States, and never afterwards rejoined the ship.

The twentieth specification charges that the accused permitted Mr. Weaver to absent himself during the whole cruise. The only permission given is now before the court, and they will easily decide whether it is of the nature and extent alleged. It is true, Mr. Weaver has contended, in another place, that such was the construction he put upon his order; and that by it he was only to rejoin the ship, when he should find it convenient. Even on this construction, one cannot see how he was justified in never joining her at all. But how can this construction be maintained? In the first place, can any one imagine that the grant was intended to be larger than the request; that the indulgence was to surpass the desires of the person to be obliged? In Mr. Weaver's letter he only asks to be permitted "to remain a short time longer in New York," and "to have permission to join the Franklin in the Pacific." That is, that he should not be required to sail in the ship, but might go out by some other conveyance, and join the ship in the Pacific. Was he, then, not only to go out in another vessel, but, on his arrival there, was he to join the Franklin or not, according to what he might consider his convenience? Was he, instead of waiting the coming of the Franklin, and then to rejoin her, to land her stores, and return, about his private concerns or for his own pleasure, to the United States, and never seek or see his ship more? But the order of the accused on this subject is clear and decisive: "Agreeably to the request" of Mr. Weaver, and what that was we have seen, he is permitted to remain in New York, and to proceed to the Pacific, to "rejoin the Franklin there, by the earliest opportunity which may suit your convenience." That is, most obviously, that he is to proceed to the Pacific by the earliest opportunity which should suit his convenience, and to rejoin the Franklin on his arrival there. His convenience is consulted as to the mode and time of his conveyance to the Pacific; but his orders are positive, to rejoin the ship on his arrival there. The order admits of no other grammatical or reasonable construction. The twentieth specification is thus wholly disproved; and it is clear that the accused did not permit Mr. Weaver to "absent himself from the ship during the entire cruise," and when he did so, it was on his own responsibility, and without the leave or permission of the accused.

The twenty-first specification charges that the accused approved a certain muster roll of the 31st December, 1823, by which it was made to appear that Mr. Weaver was on board the ship, performing his duties, when the accused knew he was absent. It is true the accused did sign the muster roll alluded to, and that he did then know Mr. Weaver was absent.

The twenty-second specification charges that the accused caused the purser to return to the Navy Department false and erroneous transcripts of the muster rolls, representing that Mr. Weaver was in charge of stores at Callao, when the accused knew Weaver was not at Callao, and there were no stores there to be in his charge.

These two specifications will be answered and explained together.

It has been seen that Lieutenant Weaver had received leave of absence at New York; that he had been put in charge of stores, with which he was to rejoin the ship in the Pacific. The first muster roll returned after the sailing of the ship was sent by the pilot, and is dated "Off Sandy Hook, October 10, 1821." In this the remark opposite to the name of Mr. Weaver is "absent on leave, to join at Valparaiso, in charge of stores;" of this entry the words "in charge of stores" were made by the accused in his own handwriting, the rest is the writing of the purser or his clerk. The Franklin and the America met at Valparaiso in February, 1822, when the accused ordered Mr. Weaver to proceed to Callao with the stores, and accordingly, in the next muster roll made up and transmitted to the government, in March following, Mr. Weaver is returned as "absent on leave, in charge of stores at Callao."

The third muster roll made up and returned to the government bears date on the 31st October, 1822. Now let it be observed, as a circumstance decisive of all the doubt and difficulty that has arisen on this subject, that the accused arrived at Callao on the 1st of August, 1822, and then learnt that Mr. Weaver had been there, had landed the stores put under his charge, and had returned to the United States. We shall now see what was the understanding of the accused of the permission he had given Mr. Weaver, and whether he was disposed to indulge him with a violation of his order, or an extension of his permission at his own will and pleasure, and above all, whether he intended or desired that the government should be misinformed or deceived about the true situation of Mr. Weaver. This muster roll was brought by the purser to the accused with this remark annexed to the name of Mr. Weaver "on leave of absence," to which the accused added at the time, in his own handwriting, "in charge of stores to 1st August, 1822." This roll was transmitted to the Navy Department by the brig "Dick," but with some others has not been found in the Department; it fully apprised the Secretary of State of the fact about Mr. Weaver, that his leave of absence from the accused extended no farther than to 1st August, 1822, leaving it to the Department to take such course with Mr. Weaver as they should think proper. It was neither necessary nor proper that the accused should strike him off the books; it was enough for him to put his case in possession of the government to do as they should please with it, and his remaining on the books could not make his case better or worse, could give him no rights or claim upon the government if, by abandoning his duty, he had forfeited them, or made himself in any other way amenable to reprehension or punishment. His duty was to join the ship on her arrival at Callao, and he was in the breach of that duty from the arrival of the ship at that port, which was on the 1st of August, 1822; from that time the accused considered him a delinquent and so informed the government, and here his duty was fulfilled and ended.

But the difficulty and confusion of this part of the case arises from the muster roll returned 31st December, 1823, in which it is said to be entered that Lieutenant Weaver was absent then in charge of stores at Callao. This entry or remark is made by the purser, and not as the former one, by Captain Stewart himself. It is alleged by the accused, and he trusts it will be shown to the satisfaction of the court, to have been made by a mistake or misapprehension, by the purser, of the directions given to him by the accused, simply in omitting the date ordered to be added to the remark or entry. At a time when the accused was in some haste, he was asked by the purser what entry should be made for Mr. Weaver, when the accused replied, "enter him as absent on leave, in charge of stores at Callao, to the 1st August, 1822," adding that he knew him officially, or as an officer of the ship, only to that period, and, if he had returned to the United States, it was on his own responsibility, and he must answer to the government for his conduct.

The muster roll was signed by the accused on the natural but incautious presumption that the entry

would be made as directed, without examining it for himself. It is absolutely incredible, unless on the supposition of insanity, that the accused, in December, 1823, should designedly make a return to his government that Mr. Weaver was then on leave of absence at Callao, in charge of stores, when in October, 1822, he had returned to the same Department that said leave extended only to the 1st August, 1822, when he knew that the stores were no longer at Callao, but had been taken on board the Franklin, and were, in fact, in whole or in part consumed; and when he knew that Mr. Weaver was in the United States, by his personal presence to give to the government a direct and decisive contradiction to such a return. Surely the accused must be acquitted of such preposterous, useless absurdity, which could deceive nobody; and, if it did, could answer no possible object for his benefit or that of anybody.

Finally, who can, under all these circumstances, say that the accused did *knowingly* make or sign a false muster roll; or execute, attempt, or countenance, any fraud against the United States, within the true spirit and meaning of the 18th article of the navy regulations? Some misunderstanding between the commander and the purser, some error or forgetfulness, has brought confusion into the transaction; but as to the willful and designed falsehood and fraud contemplated in the article, it is impossible to imagine them. When he signed the muster roll he believed it returned the true state of Mr. Weaver's case, and therefore he did not knowingly sign a false one. It is to prove for such errors that the word "knowingly" is introduced in the article.

The 23d specification, and the last on this subject, charges that, in November, 1824, the accused caused the purser of the ship to enter on the muster roll that Mr. Weaver was absent from the ship, without leave, from 1st of August, 1822, whereas the accused had approved the muster roll, by which it appeared that he was actually on board to 31st December, 1823.

We have already shown that the leave of absence given to Mr. Weaver actually expired on the 1st of August, 1822, and shown how the mistake occurred which represented him as in the service to the 31st December, 1823, a mistake certainly of the purser, and not of Captain Stewart; and the entry made on the 16th November, 1824, being according to the truth of the fact, to wit, that he was absent from the 1st August, 1822, without leave, was an injury to nobody, and cannot be a just ground of complaint. If the leave of absence did expire at the time mentioned, what ground of censure does it afford that it was so stated in the final muster roll of the ship, whatever might have been said by mistake or otherwise, in December, 1823? But there is an error in this specification in not distinguishing between the muster rolls and the muster books, or roll kept for the ship. The former are made up and signed by the captain, from time to time, as opportunities offer for transmitting them to the government; the latter is the record of the purser, kept by him, seldom if ever seen by the captain until the end of the cruise, and the entries made in which are not directed or examined by the captain. It is true the muster book and the muster rolls ought generally to correspond with each other, as the latter should be a transcript of the former. The captain, during the cruise, sees only the rolls prepared to be transmitted home, and, at the end of the cruise, the purser's book. It is the duty of the purser to see that they correspond. If they do not, it is his error and not ours. In this case, the purser, with his own hand, had recorded Mr. Weaver as "absent on leave," in his roll of March, 1823; and afterwards, in December, 1823, he represents him as on duty in the ship, although he knew he had not returned to her. Is not this, obviously, an unintentional error, and the error of the purser, not of the captain?

The accused, then, when he corrected the first muster roll signed after he had found Mr. Weaver had left the ship, might well suppose the purser had made the entry in the book to correspond with it, especially as he had in substance repeated the same thing to the purser on the 31st December, 1823. The muster book is not brought to the captain for his signature until the conclusion of the cruise. In the present case, this book was presented by the purser to the accused for his approbation and signature at the time mentioned; and then, for the first time, could he know that the proper entry had not been made of Mr. Weaver's absence, and therefore required it to be done before he would give his approval to the book; and if he had discovered any other error or omission in the book, it is presumed he would have withheld his signature until it was corrected, and made to appear according to the truth and fact of the case. The entry in question is according to the truth of the case as it actually occurred, and as it had been actually stated on the muster roll of October, 1822, and transmitted to the government. It was made at the proper time, to wit, when the book was presented to the accused for approval; and no injustice or injury has been done to anybody by the time and manner in which it was done.

Twenty-fourth specification. This specification charges that the accused permitted the purser of the Franklin, at the port of Arica, in June, 1822, to send on shore, for sale, large quantities of clothing and other articles brought on board for the use of the officers; and, by this means, when these articles were wanted for the officers they could not be procured from the purser.

The clothing alluded to was the private property of the purser, taken on board by him at New York to be sold to the officers of the ship, and for their use and accommodation; without any, the most distant expectation or design of using them for any other purpose, or selling them to any other persons. Of course, in taking these articles on board, there was no infraction of the regulation which forbids the commander of a vessel to receive, or permit to be received, on board of his vessel, any goods or merchandise, other than for the sole use of his vessel. The subsequent disposition of a part of these articles took place in a manner and for reasons which will be briefly detailed.

The unfortunate loss of seven or eight of the officers of the ship, by the upsetting of a boat at Quintare, will long be remembered and lamented. A further diminution of the officers of the Franklin was made by the return of a number to the United States in the Constellation. The consumers or customers for the clothing taken on board by the purser, were thus considerably reduced; and the extravagant prices required at the ports in the Pacific for washing, induced the officers to prefer articles that did not call for that operation so frequently as white drilling pantaloons and marseilles vests. Under these circumstances the purser found himself in possession of a much larger stock of these articles than he was likely to sell on board the ship. In a conversation between the purser and Capt. O'Sullivan, of the Canton, this subject was adverted to, and Capt. O'Sullivan offered to take such articles as were considered surplus, on board his ship and endeavor to dispose of them for the purser, to persons from time to time coming on board the Canton. They were accordingly sent there, consisting of some fine shirts, black silk vests, drilling pantaloons, and marseilles vests. After this, Capt. O'Sullivan, alarmed at the approach of the Belgrano, and fearing to be plundered by her, sent these articles on shore with some of his own, where they were thrown into the custom house; part of them were afterward stolen from thence, by some soldiers, and the remainder sold. Upon the whole, the purser never received, by several hundred dollars,

as much for them as they had cost him in New York. It was all fine clothing, suitable only for the officers, and instead of the officers suffering any inconvenience for the want of these articles, many were brought home in the ship; there being still a surplus of them, with the exception of the black silk vests, of which more were afterwards wanted than were on hand. It is necessary only to add that the permission of the accused went no farther than to allow the articles to be taken on board the Canton; all that was subsequently done with them was without any participation, permission, or knowledge on his part.

Twenty-fifth and twenty-sixth specifications. The accused has no knowledge of the matters alluded to in these specifications, nor can he even conjecture to what transactions they refer; and he certainly does not hold himself responsible for wrongs or irregularties of this description, committed on board his ship by persons unknown to him, and of which he has no knowledge or means of knowledge. That he neither caused, nor permitted such things to be done, he avers most explicitly.

As to the beggarly account given by the gunner, of some musket cartridges and match rope sent to the Canton, under an expectation that they would be replaced by others, the accused heard of them here for the first time. They were not entered, as the specification alleges, "as expended for the Franklin in the regular course of public service;" and if they were, he had nothing to do with it. He neither sent them, or caused them to be sent.

Twenty-seventh specification. This specification charges the accused with causing or permitting a number of hoops and other materials belonging to the government to be used; and the crew of the Franklin to be occupied in making kegs to hold specie, and not accounting to the government for the money received on account of the said kegs.

As to the money paid for the work of the crew, in making those kegs, it is presumed it belonged to those of the crew by whom the work was done, and no account of it to the government was required. Of the materials, consisting of some iron hoops and the staves of broken up beef barrels, an account will be given with as much seriousness as such a charge will admit of. The facts, as far as they are known to the accused, are these: a number of barrels or kegs, amounting to about 30 or 35, were made up, to put the specie in on board the vessel, with the cast-off staves of barrels that had contained beef for the ship, and had been broken up and cast aside, as the beef was consumed. Whether they would have been thrown overboard or used for fuel, if they had not been made into kegs for the specie, cannot now be settled. The iron hoops for those kegs did belong to the government, as asserted in the specification, and the only question is whether they have been accounted for. On the first opportunity that occurred, other iron hoops, greater, it is believed, in number, were purchased from what is called the slush fund, and restored to the ship, to replace those taken as aforesaid; and this slush fund was reimbursed this advance by the money received from the owners of the specie which was placed in the kegs. It has so happened that many of these kegs were not afterwards used for the specie, being found of insufficient strength, and they remained with the Franklin, and were used for water casks for the boats, &c. Thus, it is clear that by this operation the Government of the United States was a gainer by some dozen or two of iron hoops; having first received back as many, or more, as had been taken, and afterwards got some of her own again, round the kegs not used for specie. We will not charge the government with never having accounted for *these* hoops. After all, these are small matters to occupy the time and grave attention of such a court as this. Thirteen post captains, the foremost men in the country, called from their stations and homes to inquire into the loss of a few old staves and iron hoops! The commander of a *seventy-four* brought up like a petty pilferer to answer such a charge! The accounts of a slush fund to be audited by such a board! Was a slush fund ever so honored before?

Twenty-eighth specification. Of this specification, and the several matters alluded to in it, the accused has no knowledge. Certainly he never sent, or caused or permitted to be sent, on board the Canton any of the articles mentioned belonging to the government, to the injury or loss of the government. Whatever was done of this description, with his permission, has been already explained; and the articles were either paid for or returned.

Twenty-ninth specification. The accused gives the same denial of any permission or knowledge of the facts charged in this specification, with the exception of a saw which he permitted Captain Smith to have from the Franklin, at Quilca, on a promise to procure another to replace it, at Valparaiso; at which place Captain Smith endeavored to obtain one, but it was not to be had, and he was therefore obliged to postpone it until the return of the ship to New York, when and where he purchased another saw and delivered it to the Franklin. The United States have thus most happily got a *new* saw for an *old* one.

CHARGE II.

Specifications one, two, three, four, and five of this charge are but repetitions of those made under the first charge, and which have been already fully explained and replied to in the answers to those specifications. The accused begs leave to refer to those answers, and that they may be applied as shall be suitable to these specifications of the second charge.

Specification sixth. The sixth specification introduces new matter, and requires a distinct reply. Although in the beginning it broadly charges the accused with receiving on board the Franklin, and other vessels under his command, at various times, without the jurisdiction of the government of Peru, certain persons, obnoxious to capture and punishment, spies and officers of the royalist army; and with protecting these persons, spies and officers, from seizure and punishment; yet it is at last narrowed down to the case of an individual by the name of *Madrid*, who is alleged to be an officer in the royalist army; a spy in Lima; and the director, or late director, of the mint. It is now understood that the director of the mint was not Madrid, but another person received and protected on board the Franklin.

None of the various charges against the accused have been so much misrepresented and misunderstood as this. It has been the theme of every foul tongue and fouler press in the country. Bribery and corruption have been assigned as the motive of the act; and disastrous misfortunes to the patriots of South America as its consequences. The public ear has been abused with a grossness of falsehood almost without precedent. We reply not to these calumnies. They are foul vapors that can never rise to the elevation of this court, and can do us no prejudice here.

The history of the man called Madrid, as far as the accused has been able to obtain it, is this: He was at Rio Janiero with the intention of going from thence to Spain. A Spanish lady there, the Countess of Villehermosa, was desirous of going to Arequipa, where her son and friends resided, and Madrid was induced by her to accompany her on her voyage for her protection and as her attendant. They sailed from Rio Janeiro in an Italian vessel for Arica, from whence they were to go to Arequipa by land. The

Italian vessel arrived at Arica, and was immediately there captured and taken to Callao by a patriot brig; Madrid never having been on shore at Arica, or any of the Intermedios, or had any communication with the government, or any of its officers, for whom it is alleged he was acting as a spy, and being taken forcibly as a prisoner to Callao by the patriots.

The Franklin was then at Callao; the lady having obtained a passport from San Martin, landed there and proceeded to Arequipa by land, but the Spaniard, her attendant, was afraid to expose himself to the danger of attempting the journey with her, having no passport; being of old Spain, and probably a royalist, however innocent his views, his person would have been in danger. The lady, in whose service he had fallen into these misfortunes, felt herself strongly bound to afford him all the relief in her power, and accordingly wrote a letter to Mrs. Stewart, the wife of the accused, then on board the Franklin, begging her to give this man a passage to Quilca, that he might join her at Arequipa. This letter was brought to the Franklin by the man himself, just as the ship was getting under way, and the boat that brought him left him there as soon as he was put on board. Mrs. Stewart yielded to the solicitations of her friend, the lady with whom she had made acquaintance at Lima; enforced by the earnest entreaties of the man himself, in whose appearance there was nothing to excite the least suspicion that he could be of any importance, or that giving him the passage would do wrong or injury to anybody. Still, as it was a fault committed against the regulations and discipline of the ship, and believing nobody had the least interest in it but herself, she was unwilling it should be known to the accused. She put this man into the pantry under the care of the steward, directing him to give him food. He was so destitute of clothing, that the steward, from mere charity, gave him a shirt and cravat, a roundabout coat and a pair of trowsers, all of his own property. On the other hand, this poor creature assisted the steward in his work, by cleaning knives and candlesticks, and in every way he could make himself useful. A boat was obtained from another vessel, into which boat Madrid was taken though one of the port-holes of the Franklin, and put on shore, having, however, remained on board seven or eight days after the arrival of the ship at Quilca; which he would hardly have done, if he had been a spy, returning from the execution of his mission, or had any interesting intelligence to communicate to the royalists. Some time after, he was seen at Arequipa in the same dress and miserable appearance as when he left the Franklin; and if he was indeed the great character he is now represented, he had a singular way of showing it.

Such is all the information the accused has been able to obtain of this affair. He most solemnly assures the court, and he will prove it, as far as a negative proposition is capable of proof, that he was as utterly and entirely ignorant of the whole transaction as any member of this court, and that it was nearly twelve months after it took place, it was first communicated to him. He immediately wrote a letter to the Navy Department, stating the thing as he had heard it, and the very writing this letter, and the expressions of surprise and indignation contained in it, afford strong, if not irresistible evidence of the truth and sincerity of his statement and feelings on the occasion.

In this letter, we see the pride of feelings of the husband, whatever the struggle may have been, overthrown by the duty of the officer; and the indiscretion of his wife exposed rather than that his honor should be impeached by the concealment of a transaction from the government which it was his duty to communicate.

The first information this government had of it, as far as we know, was from the accused. The man remained on board the Franklin eight or ten days after her arrival at Quilca, being under no such haste to quit her, as it is presumed a spy or officer of high rank would have been; nor is it known or believed that while at Callao he either had or sought any means of obtaining information to be used for either of the parties in the war; nor has it ever been heard or understood that he ever gave to either party any information or any subject or matter connected with the war or its operations. And here is the whole foundation of the vast fabrick of fraud and corruption, of the abandonment of duty, and the violation of belligerent rights, which has been so long the object of wonder and indignation! Does not the bosom of every soldier, of every gentleman, receive a shock, to find the too ardent, if you please, the indiscreet, humanity of a lady, assume the shape and character of a criminal charge against her husband? Is her humanity to become his dishonor? her sensibility his disgrace? When the facts are disclosed, the most active malice can discover no mischievous design; no sordid or corrupt motive, no intention of wrong or injury to anybody. It was truly an "unbought grace." So far as the innocence of the act depends upon motive and intention, it was innocent; so far as it depends upon the absence of any selfish, interested or unworthy object, it was innocent; so far as it depends upon injurious consequences, it was innocent. It was one of those technical errors which the law may condemn in those who were concerned in it, but is not to be imputed to the accused, who was ignorant of it; and which, under all its circumstances, the best heart will feel most disposed to excuse, if not to applaud. It was an offence against the discipline of the ship to take anybody on board, without the knowledge of her commander; but it had no possible reference, either in intention or fact, to belligerent rights or neutral duties. It may have snatched one miserable victim from a cruel and useless death, by an unlicensed soldiery or infuriated mob, who, in times of civil conflict, seize on any pretence to persecute and destroy.

Specification seventh. The accused has not the least knowledge, nor can he even conjecture to what transactions this specification refers; and he can, therefore, give it no more than an absolute and explicit denial.

CHARGE III.

Specification first, under this charge, relates to the affair of Lieutenant Weaver, to which the accused has already given his full answer.

Specification second, charges that whereas Lieutenant H. B. Sawyer did exhibit certain charges and specifications against Lieutenant Conner, yet the accused neglected or omitted to notice them. The 35th article of navy regulations declares that "general courts-martial *may* be convened as often as the President of the United States, the Secretary of the Navy, or the commander-in-chief of the fleet, or commander of a squadron, while acting out of the United States, shall deem it necessary." The propriety, then, of calling a court on charges exhibited, is properly left to the discretion of the President, the Secretary or the commander, as the case may be; and it is believed to be now, for the first time, pretended that if, in the exercise of this discretion, the commander should determine not to call a court on charges exhibited to him, he would himself, by the refusal, become liable to be tried and punished by a court-martial himself. If courts are to be called upon every complaint made in a ship-of-war, the officers will have little else to do but to try one another. If, indeed, the court is refused, from any corrupt

motive, the commander, in like manner with any other judicial officer, may be amenable for his conduct. This specification charges no such motive, but is placed on the simple footing of an exhibition of charges against an officer on board the Franklin, and the omission of the accused to have them inquired into; for which he will show satisfactory reasons, if required, although it is presumed none can be necessary. The President of the United States, and the Secretary of the Navy, will, hereafter, be liable to the same accusation, if it is to be established that the refusal of a court-martial, when charges are exhibited by anybody and under any circumstances, shall be deemed an offence; and the discretion, apparently given to these high officers to decide when the court shall be granted and when denied, is a mere mockery and trap.

Specification third. To this specification the accused answers, that his ship and his guns were always in a proper state for action, and his men as regularly and properly exercised at quarters as circumstances required and would admit. He presumes these matters were intrusted to his discretion and judgment, which he exercised with fidelity and his best ability.

He hopes he may appeal, with no unbecoming pride, to his past conduct and experience, to prove that an enemy always found his guns in a proper state for action, and himself willing and able to use them to maintain the honor of his flag.

CHARGE IV.

Specification first. The proceedings of the accused, in the case of Lieutenant Sands, were necessary to the peace and order of the ship, which the accused was bound to preserve by the use of the authority given him for this purpose. The persevering and refractory obstinacy of Mr. Sands, rejecting the proffered indulgence of the accused, made those measures necessary which are now termed by him "cruel and oppressive." The circumstances of this case will be laid fully before the court. For the present I will barely state the principle which, it appears to me, will judicially decide this specification. We must keep in view that "cruelty and oppression" are very different from rigor and severity. The former imports something beyond the exercise of a lawful authority; the latter are consistent with a strict enforcement of it. Whether an officer has been cruel and oppressive must be decided by applying to the law, and the power held by him under it. Whether in the use of that power he has been rigorous and severe, is a matter of opinion, of which he had a right to judge, depending on various circumstances, about which men will differ according to their dispositions and temperaments. A judge has the power to inflict a greater or lesser punishment in any given case; to impose a fine of fifty or of five hundred dollars. He imposes the latter when others think the former would have been sufficient for the offence. We may say he is severe, but not that he is cruel or oppressive, for the law justifies it; and that which the law justifies cannot be an offence. But the truth is, that the accused did no more, in the case of Sands, than Mr. Sands himself made indispensable. There was every disposition to relieve him, but he would not unless in his own way. The inferior officer who would make terms with his commander—who will agree to obey him only at his own time, and on his own conditions, must be made to submit, or all subordination is at an end. Mr. Sands had his treatment in his own hands; he chose to suffer rather than to yield.

The accused has thus endeavored truly to place in the view and understanding of the court a plain and frank recital and exposition of all the facts, in his knowledge, connected with the charges he is called upon to answer. He has added no more comment or argument than seemed to be necessary to make the ground of his defence clear and intelligible. He trusts and believes the testimony of the case will maintain his statements, and it will then be seen how securely he may rest himself on the truth of his case, and with what confidence he may expect an honorable acquittal from the honor and justice of his judges.

If these charges be true,—if but a tithe of them be so,—the accused has plunged into dishonor and guilt with an unexampled rapidity and desperation. He has, in a few short months, for the most mean and paltry considerations, overthrown a reputation reared by the hard and honorable service of seven and twenty years, identified with the glory of his country and entwined with the brightest deeds of her fame. Has he passed through every grade of naval service, without an imputation or complaint, to fall into such a foul sink as this? You will have it well proved before you believe it.

The accused cannot forbear to conclude this opening of his case and defence with some striking remarks of a distinguished writer on naval and military courts-martial. "It must be revolting," says McArthur, "to every feeling mind to remark, during the last few years, the frequent instances of trials at naval and military courts-martial held on officers of the most meritorious and unimpeachable characters, and some, indeed, founded on charges derived from communications made by some anonymous writer or despicable informer. The compensation is poor indeed to the tortured feelings of an innocent officer, to be thus dragged before a tribunal of justice, and, after much anxiety, to have the charges pronounced unfounded, frivolous and vexatious."

BOSTON, *September* 4, 1821.

Commodore Stewart, New York:

SIR: There is a claim upon the government of Chili of the owners of the brig Macedonian, of this place, captured about two years since by Lord Cochrane. Mr. Forbes was fully instructed concerning it, and at the request of Mr. John S. Ellery, one of the owners, and in their behalf, a copy of their memorial containing their representation of their claim has been forwarded to you from the Department of State. I have only to add the request that you would give any aid in your power, should the occasion present itself, to favor by good offices the obtaining of satisfaction to this claim.

I am, with great respect, sir, your very humble and obedient servant,

J. Q. ADAMS.

To the honorable John Quincy Adams, Secretary of State of the United States:

The memorial of John S. Ellery and others, of Boston, in the commonwealth of Massachusetts, citizens of the United States, respectfully represents:

That on the fifth of February, A. D. 1818, the brig Macadonian, commanded by Eliphalet Smith and owned by the said John S. Ellery, sailed from Boston with a cargo on board amounting in value to the sum of one hundred and sixteen thousand one hundred and forty-four dollars and sixty-four cents, belonging to your memorialists, on a voyage to the coasts of Chili, and Peru, and Canton. On the twentieth of the succeeding May the Macedonian arrived at Coquimbo, in Chili; from thence she proceeded to Valparaiso. A small portion of the cargo was sold at Coquimbo and Valparaiso, but not being able to dispose of the cargo in Chili, and hearing that an embargo was about being laid on all vessels in Valparaiso, Captain Smith left that place in September of the same year, and went to Tongo Bay to procure seamen, and sailed from thence in said brig to Callao, the seaport of Lima, where he arrived on or about the twentieth of the following October. On the twenty-seventh of the same October, Captain Smith sold the residue of the cargo of the Macedonian to the agents of the Phillippine Company, at Lima, for the sum of one hundred and forty-five thousand dollars, to be paid on the thirty-first of January then next, on board the Macedonian; and Captain Smith agreed to deliver the cargo at any place on the coast from Callao to Panama, where the said agents might direct.

The purchasers required that a portion of the cargo should be delivered at Panama, and Capt. Smith, in the beginning of December, 1818, put the Macedonian under the command of the chief mate, being himself compelled by his business to remain at Lima, and ordered her for Panama. General Osorio, who was going to Spain for his health, with his wife (the daughter of the Viceroy of Peru,) and three children of the Viceroy, embarked as passengers, on board the Macedonian, for Panama. In consequence of taking these passengers on board, Captain Smith received letters of recommendation from the Viceroy, by means of which he hoped to procure a profitable freight for the said brig, from Panama to Callao, on her return.

The Macedonian was not able to get into Panama with safety, but landed her passengers on the coast, about twenty leagues from Panama, and returned to Callao, about the last of January, 1819; here she was new coppered, and preparations were made for proceeding to Canton.

Before the Macedonian had received on board the specie or bullion from the agents of the Phillippine Company, that is to say, on the 1st of March, 1819, Lord Cochrane appeared off Callao, with a squadron belonging to the government of Chili, and, by the authority of the same, declared Callao, and the whole coast of Peru, in a state of blockade. At this time the agents of the Phillippine Company had put on board certain vessels in the port of Callao sixty-two thousand dollars, for the purpose of having the same delivered on board the Macedonian, agreeably to their contract. After the arrival of Lord Cochrane, Captain Smith refused to receive this money on board the Macedonian; but agreed to receive it on *shore*, a permit for its landing having been obtained from the Viceroy, with a license to embark it at any point on the coast which Captain Smith might think proper. Captain Smith accordingly received this sum, and forwarded it, under the care of his agent, to Guamey. On the eighth of said March, the Macedonian left Callao, in charge of the first mate, and proceeded to Guamey, to which place Lord Cochrane gave permission for all neutral vessels to proceed to obtain provisions, water, &c.

Captain Smith remained at Lima, and, on the eighteenth of said March, settled his accounts with the agents of the Phillippine Company, and received the balance due him, amounting to eighty thousand dollars. With this sum Captain Smith left Lima on about the twenty-seventh of said March, taking with him two soldiers to protect him from robbers. On the 5th of April, 1819, on his way to Guamey, he was surrounded by about forty armed soldiers belonging to Lord Cochrane's ship, the O'Higgins, who took him prisoner and carried him on board the O'Higgins, with the said sum of money, excepting a portion thereof, which they left, notwithstanding the remonstrance of Capt. Smith, who informed their commanding officers of the amount he was about to leave; that if so left it would be lost to him, (the said Smith,) and that he should hold the said officer, or those under whose authority he was acting, responsible for the same. Capt. Smith was kept a prisoner on board the O'Higgins until the eighth of said April, and for twenty-four hours after the arrival of the said ship at Guamey, without being permitted, though he requested it, to visit the Macedonian, and he was informed by Lord Cochrane, that unless he would sign a certificate disclaiming all title to the property thus captured he should keep him prisoner, and carry him to Chili; and refused, at the same time, to take possession of the Macedonian. Thus situated, to regain his liberty and rejoin his ship, and in the hope, also, of being able to save the before-mentioned sixty-two thousand dollars, which he then supposed was on shore in charge of his agent, Capt. Smith signed the paper required, believing, at the same time, that a paper thus extorted from him would be entitled to no consideration in a court of justice.

After Capt. Smith had signed this certificate, he was suffered to go on board the Macedonian. Here he was informed that the sixty-two thousand dollars which he had sent to Guamey under the charge of Don Francisco Sarnine, after the news of his capture had reached Guamey, was put on board the French brig Gazelle, in the hope that it might escape the pursuit of Lord Cochrane, and reach a place of safety. This hope proved fallacious; the Gazelle was captured by Lord Cochrane, who took out the money and induced her captain to sign another certificate, by causing him to believe that he would otherwise be kept a prisoner, and eventually lose his vessel. Having done this, he was suffered to return to Guamey in his vessel to transact his business.

In this manner did Lord Cochrane possess himself of the property of your memorialists, very valuable in itself; but much more so, as it afforded them the means of prosecuting a voyage, the successful termination of which would have been extremely profitable, and which was thus entirely ruined and broken up.

In addition to the documentary evidence already transmitted to the Department of State, in proof of the above facts, your memorialists beg leave also to refer to the affidavit of George Lewis, the chief mate of the Macedonian, recently returned from Peru, and taken before the district judge of this district, which is herewith transmitted.

The capture and confiscation of the property taken with Captain Smith is attempted to be justified by Lord Cochrane, in his dispatch of the 8th of April, 1819, to the Chilian government, on various grounds, viz: that it was captured from the hands and under the protection of hostile soldiers; that this money

belonged to the Phillippine Company; and lastly, that Captain Smith was not entitled to the immunities of a citizen of the United States, but must be considered an active agent serving the Viceroy of Peru.

Your memorialists cannot but express their surprise at the extraordinary nature of this dispatch of the admiral of Chili, which seems to have anticipated the judgment of a regular court of prize, and to have been intended to ensure a condemnation.

According to the laws and usages of modern warfare, among civilized nations, the property of individual citizens of a belligerent country is not subjected to pillage and plunder from the other belligerent *on land*, much less should the property of a *neutral*, which would be restored if captured *on the seas*, on board the ship of an enemy, be confiscated when captured within the country of the enemy, and accompanied by the neutral. The two soldiers who accompanied Captain Smith, to afford him some protection from thieves and lawless robbers on the road from Lima to Guamey, he had a right to employ; and in so doing he cannot be considered as having forfeited his neutral rights, or as having acted in derogation of the belligerent rights of the Chilian government. The belligerent rights of Chili can hardly be supposed to extend to a territory in the full possession and occupation of the government of Peru; and if Captain Smith could have apprehended that he should have been met by any of the forces of Chili, it is idle and ridiculous to suppose that he hired *two* soldiers for his protection against any such force. No resistance is pretended, and resistance would have been utterly ineffectual. The supreme court of the United States, in the case of the Nereide, (9 Cranch Reports, 388,) on the claim of Manuel Pinto, a native of Buenos Ayres, restored his property, though captured on board an armed ship of the enemy, which was chartered by him, he being on board, and although resistance was made by such ship, though not by him personally at the time of the capture. Your memorialists are satisfied that there is no foundation for the suggestion that this property belonged to the Phillippine Company. By the contract of sale between Captain Smith and the agents of this company, to avoid the risk of contraband on the part of Captain Smith, payment was to have been made by said agents on board the Macedonian; yet as Captain Smith after the blockade refused to receive a portion of this money on board his ship, but received it on shore, as before mentioned, and on the 18th of March, 1819, settled his final account with the agents of the said company, and received from them the balance due him, there can be no doubt but that the Phillippine Company became discharged from their debt by such delivery and payment, and that the loss of this property, in the possession and custody of Captain Smith, or his agents, is a loss which must fall on Captain Smith or your memorialists. No principle of justice or law is known to your memorialists which will enable them to resort again for payment to the Phillippine Company. That such must have been the view of Lord Cochrane himself upon this subject, is apparent from the fact that he deemed it necessary to procure from Captain Smith, by the most unlawful means, a certificate, purporting that until this money was on board the Macedonian, it was at the risk of the Phillippine Company; for it is hardly to be credited that an officer of high rank should have resorted to such a mode of procuring such evidence if he had believed himself in possession of papers which sufficiently proved this property to belong to this company.

Lord Cochrane represents that this certificate was given by Captain Smith, as his voluntary act, "after *cool reflection*, finding all his remonstrances and efforts unavailing." "After this confession (says Lord Cochrane,) Mr. Smith was *satisfied*, and this day went on board his own vessel." From this account, it would seem that Captain Smith, after *remonstrating* against the capture of himself and his property, and using all his *efforts* to save it, should, "*after cool reflection*" determine to sign a certificate in contradiction to all his previous statements, and so as to ensure its condemnation, and having done this "*he was satisfied*" and returned to his own vessel! A representation of conduct so extraordinary and contradictory, is not easily to be credited. When Captain Smith is heard in his own vindication it appears that, finding all his remonstrances and efforts unavailing to procure his release, he was compelled to sign the certificate that he might be allowed to go on board his own vessel, and save the residue of the property entrusted to his care from destruction.

By what right or color of authority the admiral of Chili thus imprisoned an American citizen, and threatened to separate him for a long period from the vessel of which he had the command, your memorialists will leave to their government to determine. To government also will they leave the question how far the property of their citizens is to be put in jeopardy or condemned by evidence thus obtained. According to this code of prize law, there will be little difficulty in converting all neutral property into good prize: the same force which makes the capture can procure the evidence, and the injured, insulted, and plundered neutral be left with an empty ship, to get home as he can, and seek for redress by the interposition of the government of his country. The facts stated by Lord Cochrane to prove that Capt. Smith was an active agent serving the Viceroy of Peru are, that he went secretly from Valparaiso and was employed to convey to General Osorio, at Panama, correspondence of great importance, and his services are acknowledged and recommended by the Viceroy in the papers adverted to.

It is not true that Capt. Smith conveyed to General Osorio, at Panama, any correspondence; the reason why he left Valparaiso has been before stated; it was to avoid an embargo, and because he could not there sell his cargo. He left Valparaiso in September, arrived at Callao in October, and remained there until December. The Macedonian then sailed for Panama, having on board General Osorio, his wife, and three children of the Viceroy as passengers. These services were acknowledged probably by the Viceroy, and such recommendations obtained by Capt. Smith as might enable the Macedonian, in case of her arrival at Panama, to procure a return freight. She never reached Panama, but returned to Callao, and there remained until the blockade of that place. Capt. Smith appears only as the active agent of your memorialists, and engaged in furthering the objects of his voyage. The reason of his sending the Macedonian to Panama has been stated, and as he was not to receive payment for his cargo until the 31st of January, 1819, he was, no doubt, disposed to employ his ship in earning some freight in the meantime. If the taking on board these passengers for Panama was unlawful, the penalty was to the *ship*, and not to property *not then on board the ship*, but captured *on shore* several months after the return of the Macedonian to Callao, and after the termination of the intended voyage to Panama. Your memorialists, however, believe that the law of nations permits a neutral to carry the *persons*, as well as the property, of the enemy, and that while engaged in his own commercial purposes, it will not be unlawful for him, as incidental to the same, to take on board persons in the service of the enemy, who may wish to avail themselves of his ship to get transported from one part of their country to another. But should a neutral charter his vessel to one belligerent, *as a transport* to carry the officers or soldiers of such belligerent, it would subject his vessel to confiscation, if captured by the other belligerent *while in such service*. These principles are recognized in the British high court of admiralty, in the cases of the *Friendship*, by Robinson's Reports,

page 420; and the *Orozimbo*, same book, page 430. The confiscation of the sixty-two thousand dollars, captured on board the brig Gazelle, is defended by Lord Cochrane, in his dispatch of the 13th of April, 1819, first, as privately shipped; secondly, as property captured on an enemy's coast, without any ostensible owner; and, lastly, as an infringement of blockade. If this money had been *privately shipped* on board the Gazelle, this is no forfeiture of neutral, nor any offence against belligerent rights. It might have been an offence against the municipal laws of Peru, but could not subject the property to confiscation in the prize courts of Chili. The second reason is equally unfortunate, when the fact is taken into consideration that this money was found on board a neutral vessel, and was therefore to be presumed the property of a neutral, in the absence of all proof to the contrary; the most that could have been required in such a case was, that the claimant should give further proof of property before he could be entitled to restoration. The last reason assigned is an infringement of blockade. Your memorialists do not deem it necessary that they should enlarge much on this topic. The legality of paper blockades has too recently engaged the attention of the government of the United States, and their remonstrances against them have been of such a nature that they cannot suffer the property of their citizens to be confiscated under a similar system, to subserve the purposes of Lord Cochrane or of the government of Chili. The port of Guamey was not, in *fact*, blockaded; Lord Cochrane permitted all neutral vessels to repair thither, and virtually excepted this port even from the paper blockade. The money was brought from Lima over land to Guamey, and the blockade of Callao, being a blockade by sea, and not extending to the land, it was lawful for neutrals, notwithstanding this blockade, to carry on their commerce with Lima over land as heretofore. These principles have received the sanction of the British high court of admiralty, in the cases of the *Stoit*, Johnson, master, 4th volume Robinson's Reports, page 65, and the *Songe Peter*, Musterdt, master, same book, page 79.

With all these alleged reasons for the confiscation of the money captured on board the Gazelle, Lord Cochrane deemed it necessary to compel the captain of this vessel to sign such a certificate as he required, which he procured by keeping the said captain for three days on board the O'Higgins, and carrying him from Guambacho (the place of capture) to Payta, and inducing him to believe that, unless he would sign such certificate, he would be carried to Valparaiso with his vessel, where the vessel would be condemned for the alleged breach of blockade.

It appears that the money thus captured has been distributed without the *form of a trial*, (unless the examination and determination of Lord Cochrane is to be considered as such,) and the government of Chili has received its portion of the booty. To proceed to distribution first, and to trial afterwards, and by a court appointed by the government which has thus received its proportion of the prize, is not the mode to secure an impartial trial to a neutral claimant; a trial under such circumstances must be a *mockery* of justice.

The injury sustained by your memorialists is not confined to the loss of one hundred and forty-two thousand dollars, which they have suffered by the conduct of the admiral of Chili, as has been recited; but a long and distant voyage, which afforded every prospect of a profit of one hundred per cent., has been broken up, after much time and money had been expended in its prosecution, and the principal difficulties to its completion were surmounted. The government of Chili is bound in justice to indemnify them against all these losses, which have been necessarily occasioned by the unlawful acts of those who exercised this authority. Your memorialists forbear a full expression of their feelings at this flagrant outrage upon their rights and property. They believe that their government will not suffer the persons nor the property of its citizens, whether on the Atlantic or the Pacific, to become a prey to the revenge or avarice of any belligerent thus regardless of neutral rights. And, while the usual branches of commerce afford little or no profit to the merchant, it is peculiarly necessary that a fostering care and protection should be extended to the enterprising, who are traversing the globe to discover new channels, through which they may benefit themselves and their country.

Your memorialists beg leave to solicit that their case may be submitted to the President of the United States, in the hope that such measures will be adopted as will afford them the aid of their government in enforcing their just claims upon the government of Chili.

(Signed) JOHN S. ELLERY.
H. H. PERKINS.
J. PRINCE,
Attorney to and assignee of MACKEY, PRINCE & Co.
LORING, CUNNINGHAM & Co.
ISRAEL THORNDIKE.
Late of the firm of CARNES & RHODES. { N. G. CARNES, / CHARLES D. RHODES,
GEO. SEARLE.
HENRY LEWIS.
DAVID HINCKLEY.
FAIRFIELD & CHOATE.
SAMUEL PARKMAN, JR..
SAMUEL MAY.
HENRY H. TUCKERMAN.
THOMAS FURBER.
W. and G. TUCKERMAN.
HENRY FARNAM.
THOS. PARSONS.
SAMUEL and JOHN G. TORREY.
DANIEL APPLETON.
N. R. RICHARDSON.
C. BRADBURY.
NEHEMIAH W. SKILLINGS,
By his attorney, IGNATIUS SARGENT.
JOHN B. TREMERE,
For himself and IGNATIUS SARGENT, JR.
WM. HAYDEN, JR.,
Attorney for the late firm of WM. HAYDEN & SONS.

BOSTON, *May* 27, 1820. JOHN T. REED.

DEPARTMENT OF STATE, *Washington, August* 24, 1821.

Charles Stewart, Esq., Commodore of the U. S. Ship Franklin.

SIR: I take the liberty of furnishing you with the enclosnd copy of a memorial of John S. Ellery and others, of Boston, in the case of their brig, the Macedonian, in compliance with the wish of the memorialists, and to refer you to such instructions as the Secretary of State, who will be in Boston, may think proper to give you on the the subject, from that place.

I have the honor to be, with great respect, sir, your obedient and very humble servant.

DANIEL BRENT.

Extract of a letter from Mr. Adams to Mr. John M. Forbes, dated—

JULY 6, 1820.

The allegations of Lord Cochrane, that there had been, on the part of the Gazelle, a breach of the blockade, is fully repelled in the memorial. It appears by a letter from Mr. Prevost, of 16th May, 1819, that he had remonstrated with the government against this paper blockade of Lord Cochrane. He says the subject was met with the greatest frankness, and all claim of forfeiture for any infraction disavowed, as to any place where no actual force was employed, and the form preserved only to deter unfriendly neutrals from entering for the purpose of carrying information.

This disavowal was but partially satisfactory. A paper blockade of fifty degrees of latitude, or a thousand leagues of coast, is illegal throughout its whole extent, even for the ports which may be in actual blockade; otherwise, every capture under a notified blockade would be legal, because the capture itself would be proof of the blockading force. Lord Cochrane's notification was not of a lawful blockade, nor has a permanent force been kept before any one port under it, which would have made it a legal blockade, had it been limited to that single port. Nothing can be more clear than that the capture of no part of the property in question can be justified upon the plea of a broken blockade.

The foregoing is a true extract of a letter from Mr. John Q. Adams, then Secretary of State, to Mr. John M. Forbes, special agent of the United States at Buneos Ayres, faithfully copied from and compared with the record in this office.

DEPARTMENT OF STATE, *August* 4, 1825.

DANIEL BRENT, *Chief Clerk.*

Extract of a letter from Mr. Adams to Mr. John B. Prevost, Lima, dated—

DECEMBER 16, 1823.

There is another point of great and permanent importance to the interests of the United States involved in these transactions. In the letter from Captain Prunier to Captain Stewart, declaring his disposition to take possession of the Canton for the purpose of carrying her into port for adjudication, he alleges, *not* that muskets had been landed from her at Arica, but that she had traded at certain ports between the fifteenth and twenty-second degrees of south latitude, contrary to a proclamation or paper blockade of the Peruvian government. This was the only fact alleged by Captain Prunier for his intention to take the Canton—the only allegation upon which Captain Stewart had then to decide whether he would protect her from capture or not. Now the very charge that the Canton had traded at the intermediate ports carried on its face the proof that there had been no force stationed before these ports to intercept the trade; and under such an allegation Captain Stewart could not have submitted to see the Canton captured under the very guns of his ship, without formally admitting thereby the validity of the blockade, in its most licentious extent.

The President considers a blockade by degrees of latitude as unlawful, not only in its general extent, but for every port and spot included within it. Were it otherwise, the mere fact of capture would legalize, in any point within the limits of the proclamation, that which would be unlawful upon every other point. The proclamation is the notice to neutrals of the blockade, and the blockade of the proclamation must be precisely the same as the blockade in fact; else the whole is unlawful, and neutrals are not bound by it. This principle is too important to be surrendered to any belligerent party, however favorably disposed we may be to his cause; for we cannot concede it to him without yielding it alike to his enemy. You will distinctly declare this to the Peruvian minister of state to be the deliberate sense of the Government of the United States.

The foregoing is a true extract of a letter from Mr. John Q. Adams, then Secretary of State, to Mr. John P. Prevost, special agent of the United States at Lima, faithfully copied and compared with the record in this office.

DANIEL BRENT, *Chief Clerk.*

DEPARTMENT OF STATE, *August* 5, 1825.

Copy of Lieutenant Wm. A. Weaver's permission, &c.

U. S. SHIP FRANKLIN, *off New York, September* 5, 1821.

SIR: Agreeably to your request of the 1st instant, you are hereby permitted to remain in New York, and to proceed to the Pacific, to rejoin the Franklin there, by the earliest opportunity which may suit your convenience.

I remain, respectfully, sir, your obedient servant, C. S.

Lieutenant WILLIAM A. WEAVER, *New York.*

U. S. SHIP FRANKLIN, *off New York, October* 4, 1821.

SIR: As you are about to embark in the ship America for a port in the Pacific, you will be pleased to take special charge of the stores embarked in that ship for the navy service of the United States, and belonging to the ship Franklin under my command. When arrived at your port of discharge, you will cause them to be stored and preserved until the arrival of this ship.

Wishing you a pleasant and prosperous passage,

I remain, very respectfully, sir, your most obedient servant, C. S.

Lieutenant WILLIAM A. WEAVER, *U. S. Navy.*

U. S. SHIP FRANKLIN, *Valparaiso, May* 6, 1822.

SIR: You will proceed with the Dolphin under your command to Callao, touching at Arica or Mollendo on your way, at either of which places, most convenient, you will land Mr. Eliphalet Smith, who is charged with a dispatch for General Ramirez, commander-in-chief of Upper Peru. The accompanying package you will deliver to Mr. Prevost, whom you will find at Lima.

I remain, &c., &c.,

(Signed) CHAS. STEWART.

Lieutenant Commandant DAVID CONNOR, *commanding the U. S. Schooner Dolphin.*

U. S. SHIP FRANKLIN, *Callao, September* 5, 1822.

SIR: You will proceed, with the Dolphin under your command, to Guayaquil, and take under your protection such vessels belonging to citizens of the United States as you may find in readiness to sail to the southern ports. You will be careful not to compromit our neutral character by protecting beyond the authority of the laws of nations either contraband of war or to the ports actually blockaded by a competent force before such ports, and placed there by either of the parties at war for purposes of blockade.

Lieutenant Sawyer, who is under arrest and under conviction, by opinion of a court of inquiry, of having violated the laws and discipline of the service, has made application for permission to return to the United States. As he cannot be of any further use, in his present state, to the public service, you can exercise your own discretion in indulging him in his request; but you will keep in view the probable effect it may have on other officers wishing to go home to avoid duty, should they find their ends can be accomplished in that way most readily, through the inability of the service to institute courts-martial.

It is stated that a piratical-schooner is cruising off or near the coast of Guayaquil; and there is very little doubt but that the brig Arancano, (formerly belonging to Cochrane's squadron,) which vessel the crew ran off with from the Bay of Panama, has become piratical, and may be cruising in those latitudes. You will direct your attention towards them if you meet with vessels of that description.

When the property of citizens of the United States, which you may take under your protection, is placed in safety, you will proceed to Valparaiso for supplies and further orders.

I remain, &c.,

(Signed) C. STEWART.

DAVID CONNOR, Esq., *U. S. Schooner Dolphin.*

U. S. SHIP FRANKLIN, *Quilca, October* 30, 1822.

SIR: The peculiar state of Lima requires that you should proceed with the Dolphin under your command to Callao for the purpose of giving countenance and protection to the citizens of the United States and their property at that place, so far as your means and the laws of nations will justify, and their neutral character may merit. You will keep in view the pacific policy of the Government of the United States towards those patriot governments, and advise me by every opportunity, per Valparaiso, of the state of affairs in that quarter; and should opportunities occur for the United States, advise the government of the state of things and your proceedings. I will direct Mr. Hogan to forward to you, as soon as possible, provisions, &c., for your vessel.

Should it be in your power, you will afford assistance to the officers of the brig Thetis, of Boston, lately taken from this port by one of their cruisers.

I remain, &c.,

(Signed) C. STEWART.

Lieut. Commandant DAVID CONNOR, *U. S. Schooner Dolphin.*

U. S. SHIP FRANKLIN, *Valparaiso, January* 12, 1823.

SIR: Herewith you will receive dispatches Nos. 1 and 2 for the Hon. Secretary of the Navy and State Departments. With these you will proceed in the dispatch boat, with Lieutenant Henry, to Panama, from whence you will lose no time in crossing and proceeding on to Washington by the first good opportunity you may meet with. The purser will furnish you the necessary moneys for your extraordinary expenses, of which you will keep an account to be settled with the Navy Department.

Wishing you all possible health and success, I remain, &c.,

(Signed) C. STEWART.

Lieut. ISAAC MAYO, *U. S. Ship Franklin.*

U. S. Ship Franklin, *Callao Harbor, May* 27, 1823.

Sir: You will proceed, with the United States schooner Dolphin under your command, to Valparaiso, where you will procure all the necessary supplies, (for as long a period as the vessel can stow,) without any unnecessary delay, and return to Lima, touching at Quilca on your way for the purpose of affording any protection to the citizens of the United States and their property, under the sanction of the laws of nations, which may require it at that place.

Should you not have any highly important information or public dispatches for me, you can remain at the Intermedios long enough, (say two weeks,) to secure their property against any unlawful depredation the expedition from this quarter may be disposed to exercise.

You will be pleased to transfer Midshipman Boyd back to this ship. Midshipman Adams is ordered to report himself to you as acting master of the Dolphin.

Wishing you a pleasant cruise, I remain, &c.,

(Signed) C. STEWART.

Lieutenant Commandant David Conner, *U. S. Schooner Dolphin.*

U. S. Ship Franklin, *Callao Harbor, July* 7, 1823.

Sir: You will please to proceed with Captain Williams, master of the ship Arab, to the head-quarters of General Canterac. The accompanying letter to that general will make you acquainted with the object of the visit. It will be essential for our further guidance to ascertain under what authority, as well as under what pretext, the Arab has been detained and taken possession of at Pisco, as also whether restitution of that ship is intended.

I remain, &c.,

(Signed) C. STEWART.

Lieutenant H. Henry.

U. S. Ship Franklin, *Callao Bay, July* 7, 1823.

To his excellency General Canterac, commander-in-chief of the army of Peru, at Lima:

By advices received this afternoon from Pisco, we learn that the North American ship Arab, of Boston, was taken possession of at that port by a detachment of the army under the command of your excellency. Lieutenant Commandant Henry, and Mr. Williams, the master of that ship, wait on your excellency to ascertain the cause and grounds of such seizure, and to learn whether under the authority of your excellency, or what other, this seizure of the ship has been made while engaged in lawful and authorized commerce by both parties at war in Peru, and under the sanction of the laws of nations.

Should this seizure have been made without the authority of your excellency, I trust you will give such orders for her restoration to her master as to prevent those disagreeable consequences arising from illegal seizures, and which is calculated to preserve and promote the existing harmony between our respective countries.

I pray your excellency to accept the assurances of the high respect and consideration with which I have the honor to remain, your excellency's most obedient and very humble servant,

(Signed) C. STEWART.

U. S. Ship Franklin, *November* 3, 1823.

Sir: You will be pleased to arrest Lieutenant Joshua R. Sands (formally), and receive in charge his sword. You will assign to him as his limits those heretofore assigned to him by orders of the 9th of October last, when under suspension. You will hand over to him the enclosed copies of charges and specifications of charges against him.

I remain, &c.,

(Signed) CHAS. STEWART.

Lieutenant John Harris, *commanding the Marine Guard on board the United States Ship Franklin.*

U. S. Ship Franklin, *at sea, January* 3, 1824.

Sir: You will proceed in the Amanda in pursuit of the piratical vessel, General Quintanilla, up the coast of the Intermedios as far as Arica, if necessary, looking into Mallendo and Ilo, and if you fall in with her you will subdue and seize her, and bring her to me, securing all the papers and property on board, and take special care that none of your men plunder anything from the vessel or any person on board. You will take care that none of the prisoners escape, but secure them all and bring them to me. You will find us either on the coast at anchor or cruising off it. It will be desirable that you do not remain absent longer than it is possible to accomplish this object—say ten days. The rendezvous will be at Quilca.

Wishing you success, I remain, &c.,

(Signed) C. STEWART.

Lieutenant Thos. S. Hammersley.

U. S. Ship Franklin, *Quilca, January* 19, 1824.

Sir: As the whole coast from Arica to Camana, and its harbors, has been examined by the vessel under your command and this ship for the piratical brig Quintanilla, without success, and from the information since obtained I am led to believe she has been and may still be hovering about Ocoña or Chala to leeward for supplies, previous to her going on a farther cruise or return to Chiloe; and as the hired armed brig Amanda is fitted out and provisioned for two months' cruize, you will proceed to examine the coast between Camana and Chala for that vessel. In case you do not find her or receive any information of her movements after you have made this examination, you will make all possible haste to the coast of Chiloe, reaching for the southeast part of that island, and examine its coasts and harbors thereabouts. If you do not meet with her or any American vessel taken by her in that quarter, you will cruise down the west coast of the island, and take a position best calculated to intercept her or any of her prizes, (American) which may be making for San Carlos. You will use every precaution to keep the people and inhabitants of that island, as well as all others you meet with, ignorant of your vessel's character, force and object, and in order so to do, you will not communicate with any port or place that is inhabited in that quarter. Should you be so fortunate as to meet with and capture the brig Quintanilla, you will repair with her immediately to Valparaiso. In case you may recapture any American vessels that may be taken by her, or any other vessel cruising out of Chiloe, you had better send them to Juan Fernandez, and detain them there until you join them, previous to bringing them to Valparaiso.

You will therefore consider yourself authorized to attack, subdue, and seize the above brig, the Quintanilla, of which you have a correct description, and to retake any vessels of the United States which she or any other cruiser from Chiloe may have captured. Should they, when chased, run that vessel, or any American vessel they have captured, on shore, you will, notwithstanding, take possession of such vessel or vessels run on shore; but you are not to violate the territories of Spain, by pursuing the people on shore, should they escape to it, unless it should be some uninhabited island, rock, or key, in which case you are at liberty to pursue and take them.

You will preserve the usual discipline and health of your crew; and should you make any prisoners under the above authority, you will not yield them to any demand or authority whatever, but keep them in safe custody until you join this ship. You will so time your cruise as to be at anchor in Valparaiso on or before the first of April next, and, on no account, absent yourself after that period.

Wishing you health and success, I remain, &c.,

(Signed) C. STEWART.

P. S.—To all other vessels you may speak, you will use the utmost politeness, and never allow more than an officer to go on board to bring their papers to you for examination.

C. S.

To Lieutenant Thomas S. Hammersley, *commanding the hired armed vessel Amanda.*

U. S. Ship Franklin, *Quilca, January* 22, 1824.

Sir: You will proceed with the schooner Dolphin under your command, without delay, to the coast of the Island of Chiloe, as far south as its southern end, and cruise in such latitudes, and take such positions as may seem to you best calculated to intercept a piratical hermaphrodite brig cruising out of that island under the Spanish flag, or any vessel of the United States that corsair may have made a prize of, or which any other privateer, cruising out of that island, or under the Spanish authority, may have captured. Should you be fortunate enough to meet with the above piratical brig, called the Quintanilla, you will subdue, seize and bring her to me at Valparaiso. Should you recapture any vessels of the United States, you will send them to Juan Fernandez, until further orders. You will use every precaution to keep the people and inhabitants of that island, as well as all others you may meet with, ignorant of your vessel's character, force, and objects; and in order to do so, you will not communicate with any port or place that is inhabited in that quarter. Should they, when chased, run that vessel on shore, or any vessel of the United States they may have captured, you will endeavor, notwithstanding, to take possession of such vessel or vessels run on shore; but you are not to violate the territory of Spain, by pursuing the people on shore, should they escape to it, unless it should be some uninhabited island, rock, or key, in which case you are at liberty to pursue and take them. Should you make any prisoners under the above authority, you will not yield them up to any demand or authority whatever, but keep them in safe custody until you join me at Valparaiso, to which place you will repair on or about the 20th of March next. To all other vessels you may meet with, you will use the utmost politeness, and only allow an officer to go on board to bring their papers for your examination.

Enclosed you will receive the signals by which you will know the brig Amanda, Lieutenant Hammersley, and be enabled make yourself known to him, which vessel is sent to cruise on the station. You will also have, herewith, a good description of the pirate brig.

Wishing you health and success, I remain, &c.,

(Signed) C. STEWART.

Lieut. Commandant David Connor, *U. S. Schooner Dolphin, Callao.*

U. S. Navy Department, for the U. S. Ship Franklin,

To Michael Hogan, *Dr.*

1822.			
April 1.	50,000 pounds bread, at 6 cents per pound	$3,000	00
30.	13,000 pounds bread, at 6½ cents per pound	845	00
May 10.	8,066 pounds bread, at 9 cents per pound	725	94
March 5.	22,000 pounds bread, at 6½ cents per pound	1,430	00
April 12.	12,062 pounds bread, at 7 cents per pound	844	34

May 17.	32,066 pounds bread, at 8½ cents per pound	$2,725 61
May 17.	50,186 pounds (country) salt beef, at 7 cents per pound	3,513 02
May 17.	100 barrels American (country) salt beef, at 18 cents per pound	1,800 00
May 17.	25 casks claret wine, in lieu of spirits, 1,470 gallons, at 51 cents per gallon	749 70
May 17.	130 boxes sperm candles, 3,706½ pounds, at 62½ cents per pound	2,316 57
May 17.	17 firkins butter, 1,048 pounds, (tare out, 861 lbs.,) at 62½ cents per pound	538 13
May 17.	427 gallons molasses, at 75 cents per gallon	320 25
May 17.	912 gallons beans, at 38 cents per gallon	346 56
May 17.	3,632 pounds cheese, at 12 cents per pound	435 84
May 17.	75,767 pounds fresh beef, at 4 cents per ponnd	3,030 68
May 17.	82 days' vegetables, at $11.83 per day	970 06
May 17.	60 barrels flour, at $16 per barrel	960 00
		$24,551 70
	Commission, 5 per cent	1,227 58
		$25,779 28

Approved.
(Signed) CHAS. STEWART.

Received, Valparaiso, May 17, 1822, of Edward Fitzgerald, Esq., purser, United States navy, twenty-five thousand seven hundred and seventy-nine dollars twenty-eight cents, in full of the above account, for which I sign triplicate receipts.
(Signed) MICHAEL HOGAN.

U. S. Navy Department, for the U. S. Ship Franklin,
To Michael Hogan, *Dr.*

1822.		
May 10.	11 quintals 26 pounds iron hoops, at $8, per quintal	$89 60
	36 kegs black paint, (each 28 lbs.,) 1,008 pounds, at 25 cents per pound	252 00
	60 pieces Russia duck, at $20 per piece	1,200 00
	456 pounds iron, at 8 cents per pound	36 37
	10 kegs black paint, (each 56 lbs.,) 560 pounds, at 35 cents per pound	194 50
	20¾ tons coal, at $14 per ton	290 66
	Water, from Almendral	21 00
	27 cords firewood, $13.75 per cords	371 25
	34 ash oars, 637 feet, at 25 cents per foot	159 25
	12 permits, for shipping provisions, &c.	21 00
	Expenses paid Morse for coach for Commodore Stewart, and aids, journey to Santiago, to see the supreme director on official business	310 50
	Expenses of burying bodies of officers and men lost at Quintero bay	19 25
	Demurrage of schooner Amanda for one day	50 00
		$3,015 38
	Commissions	150 76
		$3,166 14

Approved.
(Signed) CHAS. STEWART

Received, Valparaiso, May 14, 1822, of Edward Fitzgerald, Esq., purser, United States navy, three thousand one hundred and sixty-six dollars fourteen cents, in full of the above account, for which I sign triplicate receipts.
(Signed) MICHAEL HOGAN.

U. S. Navy Department, for U. S. Frigate Constellation,
To Michael Hogan, *Dr.*

1822.		
May 1st.	Thirty-seven panes glass, 50 cents per pane	$18 50
	Thirty gallons lamp oil, $1 per gallon	30 00
	Twenty-five gallons spirits turpentine, $2 per gallon	50 00
	Thirty gallons linseed oil, $2 per gallon	60 00
	Twelve kegs white lead, 300 pounds each, 25 cents per pound	75 00
	Seventy-eight feet 2 inch oak plank, 32 cents per foot	24 96
	Twenty-six pounds green paint	19 50
	Five hundred and twenty-two feet pine board, 12½ cents per foot	65 25
	Twenty-four ash oars, 379 feet, 25 cents per foot	94 75
	Two barrels lime, $3 per barrel	6 00
	Five hundred and forty-six pounds whiting, 3 cents per pound	16 38
	Thirty bolts Russia canvas, $20 per bolt	600 00
	Seventy-five pounds sewing twine, $1 per pound	75 00
	Two hundred needles, 4 cents each	8 00

May 1st.	Forty-three brooms	$8 06
	Thirteen cords firewood, $17.77	231 00
	Two and a quarter tons coal, $12 per ton	27 00
	Eight hundred and thirty casks water	207 25
	C. H. permits	10 50
	Half ream letter paper	3 50
	Half ream foolscap paper	3 00
	One hundred quills	3 00
		$1,636 65
	Commission, 5 per cent	81 83
		$1,718 48

(Signed) Ex. BEN. F. BOURNE, *Purser.*

Received, Valparaiso, May 4th, 1822, of Ben. F. Bourne, purser, U. S. navy, seventeen hundred and eighteen dollars and forty-eight cents, in full of the above account, for which I sign triplicate receipts.

(Signed) MICHAEL HOGAN.
(Signed) App'd. C. G. RIDGELY.

U. S. Ship Franklin, *Valparaiso Harbor, January* 2, 1823.

J. B. Provost, Santiago de Chili:

Sir: My arrival at this place affords me an opportunity of communicating to you the objects of the government in sending so considerable a force into this sea, and of apprising you that I am directed to call on you for information touching the seizure of any vessels and property belonging to citizens of the United States by either of the parties at war. They also advise, in such cases, my making spirited remonstrances through you to the government of this country, by whose authority such acts have or may be committed, and to advise with you relative to the best measures for preventing such depredations on our commerce, and the means of procuring respect for our interests and flag. Being charged with these important concerns, and having a force adequate to the object, I have to request you will advise me freely and suggest what may be essential to the ends desired. On my arrival at Lima, where it was expected I should have found you, and been enabled to have carried into effect these objects in conformity with my instructions, you may readily conceive my disappointment on finding you had departed, particularly as that was the only quarter in which the conduct of the government of Lima appeared to require our exertions; on my anchoring at that place many complaints were laid before me, with the necessary documents, touching the seizure and detention of the property of our citizens and the imprisoning of their persons, many of which had taken place under your notice. In this state of things, adopting the recommendation of our government, (in the only way I was enabled to do so,) I presented to the government of Lima a remonstrance and requested a restitution, but without effect. In addition to the particular urgency of our fellow citizens, the changes, which it was not difficult to foresee were about to take place in that government, seemed also to require that the subject should be brought immediately to the notice of the government which had authorized those acts.

I have the honor to be, &c., &c., &c.,

(Signed) C. STEWART.

St. Jago de Chili, *January* 5, 1823.

Sir: Had it pleased you upon your arrival at Valparaiso to have made the communication I yesterday had the honor to receive, it would have enabled me, either in person or by letter, to have exhibited for your information a view of the progress of the revolution, and the nature of our commerce, and of the jealousies excited by those preceding you in command; I should have unfolded the course I have adopted, together with the motives swaying me, and have endeavored to produce an union of measures directed to the restoration of confidence, and to the revival of that consideration we ought ever to have maintained. I should have offered my ideas of the blockade of Arica, or of any other of the intermediate ports before which a vessel-of-war was lying, and have shown that a force in station at any one place competent as to the enemy, was equally so to the neutral; you might then, sir, upon consideration, probably have thought proper to decline the protection afforded to the Pearl and other merchantmen at that place, and thus have avoided collision so powerfully tending to defeat the effect of the liberal and noble policy of the government of the United States.

The acknowledgment, sir, of the independence of these people is an act performed; as it regards the world, the responsibility is incurred; they are placed among the nations of the earth; and the peace of our country is involved in the early conclusion of the struggle. Under these circumstances, it appears to me, we ought to study every means to give full weight to the measure, and that it is important to cultivate American feelings, to cherish a national character, and to foster sentiments of good will.

I have no information, sir, touching the seizure of vessels and property belonging to the citizens of the United States, other than such as have hitherto been the subject of discussion; and I know of no grievances, either here or in Peru, in which your interference can avail. If, however, as you suggest, some have arisen in the latter place, I do not hesitate to advise a total silence on your part, and to leave the redress to the agency of the minister contemplated from the United States, who may, by treaty, obtain full reparation.

I hope, sir, that while thus freely meeting the object of your communication, I shall not have awakened an unkind feeling. The view I had taken appeared to me necessary, in order to justify the

negative course I have undertaken to recommend, and it will gratify me to learn that it obtains your concurrence.

I have the honor to be, sir, your most obedient and very humble servant,

J. B. PREVOST.

Captain STEWART, *of the Navy of the United States, &c.. &c., &c.*

UNITED STATES SHIP FRANKLIN, *Valparaiso, January* 19, 1823.

J. B. Prevost, United States Agent, Santiago de Chili:

SIR: I had the honor to receive your very extraordinary letter of the 5th instant, on the evening of the 7th. A pressure of occupation has hitherto prevented my giving that attention to its contents which it seemed to demand. Had I found you at the place contemplated by the Government of the United States in their instructions, you would have received on my arrival a letter similar to the one addressed to you on my last arrival here; or had it been known to me where you were, and an opportunity had afforded, you would probably have had such a letter addressed to you. If any inconvenience, therefore, has arisen to the service and public interests, there can be no difficulty in the government's discovering its source, and fixing it where it ought to rest.

Had you possessed the information with respect to the progress of the revolution, the nature of our commerce, and a desire to co-operate with the views of government, in sending a naval force here for its protection, and a wish to counteract a lawless depredation on it, as well as to produce a revival of consideration and respect for our flag, under which you have so long sheltered, there was no impediment to your seeing me in person by the frigate Constellation, or communicating to me, as you state you knew where I was, and that I was then a stranger in the country.

With respect to the conduct of my predecessors in command on this station I have nothing to do; and if they have committed any acts of grievance towards these governments and people, they must seek their redress from the Government of the United States, under whose authority they acted. Had the blockade of the Intermedios been known to you, and had you entertained any ideas at that time on the subject, it is very extraordinary you should not have made them known to Captain Ridgely, (then with you at Lima), if you even deemed it unworthy of my knowledge. No such communication is to be found in the archives he left with me. The ideas, however, you now entertain, are not in unison with those of the Government of the United States, and you ought to know they have expended too much blood and treasure in contending with Great Britain for just principles to yield it now inconsistently, however desirable it may be to you.

With respect to the brig Pearl, which arrived at Arica the same day with the Canton, you must be badly informed. No protection was afforded by me to that vessel, nor did any Peruvian force present itself that required it. The schooner Sacramento, of one gun, the only vessel on that coast, and which was driven away by the royalists, made no attempt on her, although the commander knew she had arms and munitions of war on board. They were intended for trade with the savages on the northwest coast, and for that trade she was too well armed and appointed for the Sacramento to succeed against her.

I have received no new instructions from the government adapted to the new state of things, as involved by an acknowledgment of their independence, nor any authority under which to act, but those I received on my departure, and which must continue as the rule of my conduct. If the obedience I owe to the government, and the duties I am bound to perform in consequence, should not comport with the erroneous ideas of these governments as respects justice to ourselves, they must blame none but themselves, and not attribute it to improper sentiments of the Government of the United States or myself towards them. There was no disposition on the part of our government to incur so much expense, in sending a naval force to this sea, which could be so advantageously employed in suppressing *pirates* nearer home, had these governments and the officers under their authority not exhibited so much avidity in depredating on our commerce, imprisoning our citizens, in fine, by exercising every unfriendly act towards those who alone were their best friends; and the fact of a necessity existing of keeping up a naval force in the Pacific, is a strong proof that the Government of the United States are not willing to abandon either their rights or their commerce in this sea, and argues strongly the sense they entertain of the good will and justice these governments have for us.

When the contemplated ministers arrive, they no doubt will be instructed how to act, and I shall receive corresponding instructions from the government, by which my future conduct will be regulated.

I have the honor to remain, &c., &c., &c.,

(Signed) CHAS. STEWART.

ST. JAGO DE CHILI, *January* 26, 1824.

SIR: I had the honor to receive your note of the 19th yesterday only, so that I pray you not to attribute the delay intervening between its date and my acknowledgment to inattention on my part. The irritation you exhibit throughout is really a source of pain to me, and the more so as I cannot, upon recurrence to mine of the 5th, to which it is intended as an answer, discover aught to justify it. You asked my advice; it was incumbent upon me to give it; and I did so with the frankness our situation appeared to me to exact. Captain Ridgley was an inmate of my house while at Lima; the decree of blockade was always upon the table, was daily a subject of discussion, and every effort was made to dissuade him from its violation. In addition to which, a printed copy was transmitted by me to Mr. Hogan, anterior to your arrival, with a request to give it full publicity, and if he also omitted to mention it to you, the responsibility rests with him.

I am really a stranger, sir, to those acts of depredation upon our commerce, and of outrage upon the persons of our citizens, to which you refer with stress, as requiring interference and reparation, and you will oblige me particularly by detailing such as have fallen within your knowledge, that I may at least notice them to the Department. The claim of the owners of the Macedonian is the only case within my

recollection, and however hardly the delay may operate, I doubt whether there is any way of extricating them but by treaty.

As to the Pearl, when I alluded to her, it was in common with others sailing at the same time from Valparaiso, and I regret that you or I should be so deceived as to the object of her visit to Arica. If my information be correct, those arms were landed from the Canton, and afterwards purchased and secretly put on board the Pearl, without the knowledge of this government or of Mr. Hogan, with whom some correspondence had taken place on this subject. It is now also stated that part of these arms were shipped by Captain Smith on board a schooner purchased for that purpose at Arica and sent to Chiloe, a circumstance unimportant as to Smith, but as he is stated to have been at the time an inmate of the Franklin, and as he still continnes to share your hospitalities, it gives to the transactions, in the eyes of these people, an unfortunate coloring, and, however improperly, attaches to it the protection of the flag of the United States.

Letters from Buenos Ayres of the 2d inst., induce a belief that Mr. Rodney has either arrived or is near that place by this time. With this information, sir, I ask leave to renew my earnest solicitations that any motive to further excitement may be avoided, so as to give to his embassy full effect.

I have the honor to be, sir, with great respect, your very humble servant,

J. B. PREVOST.

Captain CHARLES STEWART, *of the Navy of the United States.*

U. S. SHIP FRANKLIN, *Callao, May* 9, 1823.

J. B. Prevost, Esq., U. S. Agent, Lima:

SIR: On my return from the Island of Juan Fernandez to Valparaiso with this ship, Mr. Hogan put into my hands your letter of the 26th of January last, which I have now the honor to acknowledge the receipt of.

The pain occasioned you by the perusal of the letter I had the honor to write you on the 19th of that month, could not have equalled that which I felt on finding myself reduced to the necessity of writing it, more especially on finding my conduct, and that of my predecessors in command, the cause of your animadversions. If either them or myself have done that which the laws of nations do not authorize, it belonged exclusively to our government to take cognizance of it, and punish us as they may consider the case to deserve; hence, sir, you will readily conceive my surprise as well as regret on receiving your letter of the 5th of January. As I never had the honor of your personal acquaintance, I trust you will do me the justice to believe, if any irritation has exhibited itself in my letter of the 19th, it would only grow out of that natural feeling originating in the disappointment of the hope that our joint efforts would contribute very materially towards the protection of our fellow-citizens from oppression and plunder, and thus, in sustaining our right to justice, preserve the honor of our government, having no favors to ask, and desiring no undue advantages over others.

With respect to the Canton, and arms brought out by that ship to Valparaiso, I can only say that I refused her master protection until they were landed, and the cargo rendered perfectly innocent, and that my permitting that ship to accompany me, after that had been done, was to preserve a power over her, and thereby prevent her doing any act that would place so valuable a property in jeopardy, as well as to preserve her from lawless seizure. If the Pearl conveyed any other arms than those she brought from Boston, (all of which I have satisfactory proofs remained on board of her when she departed from Arica,) I know not. The Canton's arms were deposited and locked up in the custom house stores at Valparaiso, from whence, I presume, they could not be secretly taken, as you suggest, and positive assurances had been given by the government of Chili to the minister of Peru, that they should not be exported unless under ample bonds, as appears by the copy of the correspondence had on that subject at Santiago. I, however, advised the master of the Pearl not to proceed to another belligerent port, and refused him convoy. This advice and this refusal were in consequence of the arms and military stores then on board, and which he brought from Boston for the purposes of his traffic with the Indians on the northwest coast, and not upon any presumption that he was going to take on board others at Valparaiso, which, if done from the public stores at Valparaiso with so much secrecy, it could not have come within my knowledge, and it did not belong to me to prevent his going when and whither he pleased. His voyage was not interdicted by the laws of his own country, and his clearance was regular from Valparaiso.

As respects Capt. Smith, I can confidently assure you that he had closed his business and left Valparaiso in the Dolphin schooner several days before the Pearl arrived at that place; that he had no knowledge of that vessel, or any concern in her cargo at any time. That gentleman has been received by me as any other unfortunate fellow citizen would have been, and came to this place with a view to recover his brig and cargo, seized by the government of his excellency, the Protector San Martin. I have been many years intimate with him, and have always believed his integrity unimpeachable, and I assure you I should regret extremely to be numbered among those who are prejudiced against him without reason, thereby adding to his previous serious misfortune.

If it is in your power to produce the objects had in view by the government without my interference and co-operation, it will be highly satisfactory to them as well as to myself. I enclose to you copies of such complaints made me by our countrymen as remain in my hands, but the whole have been transmited, long since, to the Secretary of State. The more recent ones, I am informed by Lieut. Commandant Conner, are already before you. In behalf of the brig Thetis, there remains to be recovered four thousand dollars, and a cable belonging to that vessel.

I have the honor to remain, &c.,

(Signed) C. STEWART.

LIMA, *May* 12, 1823.

SIR: I had the honor to receive, last evening, your note by Captain Conner, and hasten to assure you that I am sincerely gratified by the prospect it offers of a communication that will enable us to unite in

promoting the several objects of our government. The course I advised as to the grievances by you heretofore intimated to exist, was not suggested by any desire of interfering with the exercise of the powers delegated to you, but solely by that of avoiding the irritating and unavailing discussions which, under the impressions of those composing the late junta, would inevitably have followed; the case of the Thetis is, however, the only one one among the documents accompanying your note that claims attention. The protest of Fitch is a gross misrepresentation, and that in which he has joined with H. D. Tracy would only have been made for the purposes of deception. The fraud committed by Mr. Tracy upon one of the banks of New York determined Mr. Forbes, while I was in Buenos Ayres, to deny him access to his house, and I regret to say that his conduct since his arrival on this side of the Andes has not indicated any return to principle.

The present chief magistrate is a patriot, disposed to cherish the most friendly relations between the two governments, and I shall take a pleasure in making him known to you on any day you may incline to visit the palace.

I have the honor to be, with great reepect, sir, your most obedient and very humble servant,

J. B. PREVOST.

Commodore CHARLES STEWART, *of the Navy of the United States.*

AMERICAN SHIP CANTON, *Valparaiso, April* 28, 1822.

SIR: In consequence of a vessel-of-war, (national flag unknown,) cruising off and on this harbor, and having understood that a Spanish frigate is in a state of mutiny, which, if so, will, no doubt, commit piratical depredations, and the very valuable ship and cargo under my command being the property of citizens of the United States, if not trespassing on your official capacity, may I request of you, as commander of the United States naval force in this sea, for the necessary protection to enable me to continue my voyage down the coast of Chili and Peru, having no contraband of war on board.

I have the honor to be, very respectfully, your humble servant,

JNO. O'SULLIVAN.

Commodore CHARLES STEWART, *Commander-in-Chief, &c., &c., &c.*

It is hereby understood and agreed, to and between Samuel Chandler on the one part, and Charles Stewart on the other, that is to say, the said Samuel Chandler hereby agrees to furnish and deliver to the said Charles Stewart all the frames, plank, copper, sail-cloth, cordage, &c., &c., &c., to build, equip, and complete three schooner boats, with the exception of running and standing rigging for one boat; this being completely and fully done on the part of said Samuel Chandler, the aforesaid Charles Stewart doth agree to build, equip, and complete the three schooner boats aforesaid, and deliver two thereof to the order of said Samuel Chandler, in the port of Oahu, in the Sandwich Islands, so soon as circumstances and the nature of his public duties will permit. The whole of the materials, and two of the schooner boats after being completed, to be at the risk of the aforesaid Samuel Chandler, the said Charles Stewart binding himself for nothing more than to furnish the necessary labor for building and equipping the said schooner boats, with the standing and running rigging for one thereof. And it is further understood between the said Samuel Chandler and Charles Stewart that, in consideration of the above services being performed by the said Charles Stewart as before specified, and five hundred dollars now paid to Samuel Chandler in hand, that he, the said Samuel Chandler, relinquishes to the said Charles Stewart one of the schooner boats so completed to the use for ever of the said Chas. Stewart.

In witness whereof, we have hereunto set our hands, this 10th day of June, 1822.

SAMUEL CHANDLER,
CHARLES STEWART.

Test: H. HENRY.

U. S. SHIP FRANKLIN, *Harbor of Arica, June* 10, 1822.

SIR: In compliance with your directions this morning, we proceeded on board the American brig Pearl (after she was under way to leave this place), for the purpose of examining whether she had landed arms at this place, or had them still on board, agreeably to the invoices of her cargo. We have the honor to report, that the master exhibited his papers and invoices, and after a strict examination of the hold, we found all the arms remaining in the vessel, agreeably to those invoices of his cargo, with which he proceeded to sea, bound to the Sandwich Islands and river Columbia.

We remain, sir, your obedient servants,

WM. HUNTER, *First Lieutenant.*
THOS. S. HAMMERSLEY.

Com. CHARLES STEWART, *commanding U. S. Naval Force, Pacific Ocean.*

[Duplicate.]

U. S. SHIP FRANKLIN, *Valparaiso, October* 21, 1823.

SIR: I have the painful task to inform you of a transaction which took place on board this ship a year past, and which only came to my knowledge, through Lieutenant Henry, three days since. It appears that, by the contrivance of Mrs. Stewart, a person was received on board, at Callao, when getting under way, and secreted in the pantry, among the servants, until our arrival at Quilca, and through the

dereliction of duty on the part of the first officer, kept from my knowledge, whose special business it was to report all persons on board not belonging to the navy, and send them out of the ship, unless he has my orders and sanction for their remaining on board. This circumstance is doubly afflicting to me, as it deeply involves a wife, whose conduct and confidence towards me ought to have been different, and who should have preferred my duty to any act of grace she could possibly confer on another, at so much hazard and expense to all concerned.

It may also involve a complaint on the part of the government of Lima, as he no doubt may be some person escaping from justice or the laws of war, and who could have no possible claim on us or our flag. I have deemed it proper to transmit to you this explanation, as I shall feel it my duty to do on all occasions requiring it, when they come to my knowledge; and I beg leave to assure you, sir, there is no part of my orders which I have more strenuously endeavored to guard against a violation of, than this; and, in many instances, I have refused passages to neutral persons (not strictly comprehended in the instructions), lest they should afterwards prove, from their transactions, improper persons, confining the indulgence entirely to my own countrymen.

I have the honor to remain, very respectfully, sir, your most obedient and humble servant,

CHARLES STEWART.

To the Hon. SMITH THOMPSON, *Secretary of the Navy, Washington.*

Translation of a letter to Mrs. Stewart.

My most esteemed friend, possessing my most ardent affection, I take the liberty of addressing a letter to you, not being able to go to Callao to see you, and to give you a last embrace. I regret the not seeing you excessively, but be persuaded that I can never forget your amiability and the deserving qualities of your distinguished nature; and from the time that I had first the satisfaction of knowing you your friendship has been precious to me. In whatever distance fate may place me from you, your remembrance can never be effaced from my heart. Under this assurance, depend always upon my friendship and command my invariable will. The bearer of this is a person whom I esteem, and who is desirous that I should use my influence with you in his favor to obtain a passage. He will explain this to you himself; and if not troublesome to you, be assured that you will do a very kind action to the individual whom I recommend, by granting his request. Excuse the freedom I take in thus interesting myself with you, my good friend, in his behalf, and write me if you can give him a passage, if not inconvenient.

Command the services of your most sincerely affectionate,

THE COUNTESS OF VALLE ERMOSA.

My respectful expressions of regard to the commodore, and tell him that I regret very much that he cannot pass a few days in Lima before his departure.

U. S. SHIP FRANKLIN, *Valparaiso, May* 5, 1822.

SIR: Since I had the honor to address you on the 23d of March, as per duplicate enclosed, the United States frigate Constellation has arrived at this place, and leaves here in a few days for North America. By the last advices from Peru it appears that Admiral Cochrane, after the fall of Callao, refitted as many of his ships (say three) as his means allowed, and proceeded to leeward, along the Bay of Panama, down to Acapulco, in search of two Spanish frigates and a sloop of war, all the remaining ships of the royal naval forces in this sea. It seems his object in this pursuit was frustrated by the activity of San Martin and his agents. Apprised by them of Cochrane's movements, those ships reached Guayaquil a month or six weeks after he left there, and, by a convention entered into with San Martin, the royal officers and crew disposed of the ships to him, one of which has arrived at Callao and been given up, according to advices arrived yesterday; the others remained at Guayaquil, held as security in deposit for the delivery of the largest at her port of destination. In the meantime Cochrane returned to Guayaquil, with his vessels very much shattered by the storms he encountered, and almost destitute of provisions, where finding the remaining frigate and sloop-of-war, he took immediate possession of them, alleging that he disregarded such treaties, and the ships ought to belong to him, and it was his squadron which forced them to take refuge under such conventions, and that he would take the other whenever he could find her. To comprehend this affair you must know that two of the greatest rogues existing, Cochrane and San Martin, have been co-operating together in the reduction of Lima and Callao, both narrowly watching to overreach each other. San Martin, desirous of reducing that city and port under his dominion, kept Cochrane at his post by only allowing him two days' provisions at a time, and by that means ultimately effected his object. Cochrane, by means of licenses to his agents and partners in commerce, enabled the place to hold out, and was thus enriching himself, while he was defeating the object of San Martin, who, by keeping him at his post, prevented his carrying on that scene of plunder along the coast which he otherwise would have done, sheltered under the pretext of a paper blockade, and would thus have enriched himself more readily by plundering neutrals. San Martin, during his stay in the vicinity of Lima, had collected a considerable sum of money by plundering parties and the sale of passports, &c., &c. This money he prudently put on board a vessel for safety, in case he should be under the necessity of retreating suddenly. Cochrane seized upon this money under the pretext that it was necessary to pay his sailors, and thus an open war exists between them. San Martin, it is understood, has preferred several charges against Cochrane to the government of Chili. That government appears to approve of all he has done, particularly the seizing on the money and the ships. If they are sincere there will be war between San Martin and this country, but most persons believe O'Higgins and San Martin understand each other, and all the approbation is given out with a view to get back their ships, the property and plunder Cochrane has on board, and then to ruin him forever, as he is a foreigner and a heretic. The latter I think most probable, for deception is their forte, and when they profess most it is necessary to be most on your guard. Accounts

have also arrived by this vessel that the brig Macedonian, of Boston, has been condemned at Lima under the same supposition that they condemned the money taken from Captain Smith, to wit, that she belonged to the Phillippine Company. When they want a thing they find no difficulty in making a pretext, as they acknowledge no law but expediency. As the Arminius is daily expected to arrive, I purpose waiting a few days for that event, being under the impression she may bring some instructions adapted to the new state of things occasioned by the fall of Lima. The blockade terminating with that event, would seem to render this ship's remaining out unnecessary, unless government should be desirous of enforcing rigidly all their neutral rights, which appears to me the only mode of gaining the respect of these people. Submission is construed into fear, and they cannot be brought to believe that "respect for them and the cause they are engaged in" would induce any nation to submit, unless they had higher interests to subserve. At all events, under any state of things, I would recommend to the government to equip for this station two of the sloops-of-war, say the Cyane and John Adams, without delay. Should any difficulties take place, our force would be more suitable for the necessary protection on the coast of 2,000 miles; but should no difficulties take place, this ship could return home, and one of the sloops be stationed at Lima and the other here; with the schooner to pass between, it would answer all the purposes that would be desired by the merchants, the principal one of which is, a place of deposit for their specie as it arrives from other ports, where it would not be subject to the seizure of every governor or officer who chose to lay violent hands upon it. The present state of Panama would afford good facilities for communicating with Washington, but to effect it expeditiously an advice boat would be requisite on this side, say a small pilot boat, to be officered and manned from this ship, which could be rowed in the long calms to which the passage from Lima to Panama and back is subject. It would, therefore, be advisable to send a vessel of that description round here, otherwise no communication could be kept up by that route, as it takes two months for a vessel of any other description to come from Panama to this place.

I have the honor, &c.,

(Signed) CHAS. STEWART.

Hon. SMITH THOMSON, *Secretary of the Navy.*

I certify that the foregoing is a true copy from the original on file in this Department.

CHAS. HAY, *Chief Clerk.*

NAVY DEPARTMENT, *October* 26, 1824.

U. S. SHIP FRANKLIN, *Valparaiso, January* 5, 1823.

The honorable Smith Thompson, Secretary of the Navy:

SIR: Herewith I have the honor to enclose to you copies of the entire correspondence had with Captain Trunier, commanding the patriot brig Belgrano, at Quilca, relative to the American ship Canton, of and belonging to New York. This vessel (the Belgrano) arrived at Quilca in twenty-eight days from Lima, on the 8th of July, 1822, with two secret agents on board to be landed in Upper Peru. On the same day the commander came on board this ship and inquired of me what vessels those were in port. I stated them to be the French ship Telegraph and the American ship Canton. He asked if the Canton was a public or a private armed vessel; I stated she was a private, armed, merchant ship. He asked if she had any cargo on board; I replied she had not—her cargo had been landed and she was then in ballast, which, when completed, (in a few days) she was going to depart for Lima. On the following day he transmitted to me his letter marked (A), which was replied to by (B), and continued on to the letter (G), inclusive.

The want of opportunities to write by, for the United States, which rarely occur, except by whale ships bound that way with part of a cargo, and intending to continue fishing until they complete the whole, renders it so very uncertain when dispatches will reach you, that I have been constrained to procure myself a pilot boat schooner (at my own expense, but officered and manned from this ship,) which now enables me to forward to you, by way of Panama, the dispatches. The usefulness of this vessel will be more evident to you, when the various services she has already performed will be seen by the accompanying orders, &c.

After dispatching the Constellation frigate and procuring my supplies, I proceeded on the 22d of May for Arica, as heretofore advised by the copy of my letter to General Ramirez, under date of April 20th, taking under my protection and convoy the ship Canton, which was all the trade bound that way then in readiness, except the American brig Pearl, to the master of which vessel I refused giving convoy in consequence of arms and other munitions of war, constituting a part of his cargo, which he acknowledged he had on board, for the purpose of trading with the Indians on the northwest coast. That vessel and the British brig Sarah sailed the same day from Valparaiso, and arrived at Arica the same day with the Canton, and the day previous to our entering the port with this ship. From Arica I proceeded with the Canton to Quilca, where that ship discharged the remainder of her cargo, and on the 27th of July I left Quilca and proceeded to Callao, where we arrived on the 2d August. On my arrival at that place, representations and complaints were laid before me of the seizure of the property of our citizens, and the incarceration of some of their persons by the authorities and government of Lima, which I represented to that government, and transmit the result by this conveyance to the honorable Secretary of State. If the representation was not made in strict conformity with your instructions, (through Mr. Prevost,) I can only beg leave to offer you, as reasons for so doing, the absence of that gentleman; the extreme urgency of the complainants; the revolution which was about to take place in that government; the minister of state, Monteagudo, having been already transported to Panama, and San Martin, who, it was not difficult to foresee, would soon follow him, from his cruelties and oppressions towards the people of that city and province; it, therefore, seemed desirable to make, and was one of those occasions which asked for, a spirited representation, to keep alive any just claims we might have on the future government of that place, as well as to exhibit to them that we are not indifferent to injuries, and that they would not be passed unnoticed.

On the 20th September the congress of Lima met, and San Martin resigned all his authorities; they then appointed him commander-in-chief, but, to their astonishment, the next day they found he had

embarked that night on board the Belgrano, taking with him all the money from the treasury and mint (as I have been informed) coined from the gold and silver taken from the churches in Lima, for the purposes of government, and sailed away. On the 30th September we got under way, taking under our convoy and protection the American ship Chauncey, of Baltimore, and proceeded to Quilca, where we arrived on the 22d October. On the 2d December we left Quilca, with four American vessels under our protection, and on the 29th arrived at this place, where we found Valparaiso had been entirely destroyed, on the 19th of November last, by an earthquake, and the country in a state of revolution.

It seems that the provinces of Conception and Coquimbo, dissatisfied with the proceedings of the Director, O'Higgins, and the self-created congress, together with the troops under General Freyre, who have received no pay for the last year. These provinces declared themselves independent of the government of Santiago, and are now in arms against that government. It will terminate, according to the best informed persons, in favor of Freyre, as the measure is popular throughout the country.

With respect to the blockade of the coast of Peru by the authorities of Lima, it only existed on paper, as no force was stationed there but the schooner Sacramento of one gun, from the day we arrived off Arica (June 5th) to the 8th of July, the day on which the Peruvian brig Belgrano arrived there from Lima, a coast extending seven degrees from north to south, and as much more from east to west. Under what pretext it was possible for the government of Lima to institute a blockade on so extensive a coast, embracing many harbors, even with the whole naval force they then possessed, (consisting of the brigs Pezuela and Belgrano, and schooners Cruz and Sacramento,) the enclosed paper marked A will throw the most light. The intrigues of the British, desirous of engrossing the trade of Upper Peru, induced that government to exclude all others, under pretext of blockade, and thus enabled them to sell the exclusive trade to those merchants.

I herewith have the honor to transmit to you the declaration of the master and mate of the ship Canton, since obtained in addition to Mr. Ward's, which accompanies the correspondence with the minister of state: also, the report of Lieutenants Hunter and Hammersley, of this ship, who searched, by my orders, the brig Pearl as she was departing from Arica.

The expedition for Upper Peru embarked and left Callao on the 15th and 17th October last, consisting of 4,500 men; the residue marched towards Ica, composed of 1,500 of the Columbian troops from Guayaquil, 500 lancers, and a regiment raised from plantation negroes, about 600 strong, (every third male of the slaves having been taken to form this corps;) no troops remained at Lima, and Callao was garrisoned by the livicos, (militia of Lima.)

A short time will decide the fate of this expedition, as their means of fitting it out were very limited. They had only provisions to carry them to Arica; the troops discontented as well as most of the officers, having received little or no pay since San Martin became Protector. The opposing party had left nothing within 100 miles of the coast; all was waste, and destitute of domestic animals. About 300 horses were sent them from this place, which is all the succor they could afford them, in consequence of the state of things here. It would not be rash to predict its failure; and, in that case, Lima will revert to the royalists.

By the best information I could get, when in Upper Peru, the inhabitants were generally in favor of being independent of Spain, but they were also as generally opposed to acquiring it through the invasion of San Martin, his character and conduct being too well known to them to render it desirable to come under his sway. Thus, if Peru has not been independent of Spain long since, it is owing to the invasion of San Martin and Admiral Cochrane, which united the greater part of Lower Peru, and all of Upper Peru against them; even the Viceroy would not oppose the wishes of the people in this respect, as he finds the supineness of the Spanish government has left them to their fate.

Enclosed you will receive the correspondence of Lieuts. Henry and Connor, on the subjects they were charged with at Guayaquil; also, the proceedings of a court of inquiry on Lieut. Sawyer, of the schooner Dolphin. Lieut. Mayo, of this ship, who conveys these dispatches by way of Panama, has, in his possession, a pass I have procured from General Bolivar, which he will deliver to you, and which can be made use of should you find it necessary to transmit to this quarter any dispatches.

This gentleman's health, while on board the Dolphin, to which he was attached, was such (owing to her confined state) as required his returning home last year; he, however, volunteered to remain out if on board this ship, so long as his health would permit, and his services could be advantageous. His high standing with the Department, and the continued services he has heretofore rendered to the satisfaction of those whose command he has been under, render it unnecessary for me to do more on this occasion than to confirm their good report, and request towards him the notice of the Department. I have directed Lieut. Henry (to whom I have given the command of the dispatch boat) to stop at Lima, on his way to Panama, and receive any dispatches Lieutenant Commandant Connor may have for you, which will put you in possession of the latest advices from that quarter. Towards Lieut. Henry I also take the liberty of requesting your notice, whose attentions and activity on the service in this sea deserve my commendation. And in case of any reduction of the navy, I beg leave to report, that all the officers in this ship will merit your consideration in any selection that may be made for retention; all have hitherto conducted properly and merit my approbation.

Admiral Cochrane has resigned the service, and, yesterday, embarked all his baggage and effects preparatory to leaving this place. He has given out that he is invited into the service of Brazil, and is going to take command of the naval forces of that country.

I have the honor to remain, &c., &c., &c.,

(Signed) CHARLES STEWART.

U. S. Ship Franklin, *Valparaiso, April* 16, 1822.

To his excellency the Supreme Director of Chili:

May it please your Excellency: I have the honor to inform you that I am about to dispatch to North America the frigate Constellation, Captain Ridgely, by which vessel it will be highly gratifying to me to transmit, and pleasing to my government to receive, any and all the information relating to the seizure

and detention of two sums of money belonging to citizens of the United States, and taken possession of by and under the authority of Vice-Admiral Cochrane, commander-in-chief of the naval forces of Chili. The first seizure took place, in part, on shore, near the river Baranca, and the other part was taken from the neutral vessel Gazelle, in May, 1819, and constituting together, in plata pina and dollars, the sum of one hundred and forty-two thousand dollars. The second was taken possession of by and under the same authority of Vice-Admiral Cochrane, in the valley of Citara, in May, 1821, constituting, in bars of silver and dollars, the sum of seventy thousand four hundred dollars; all of which was under the control and direction of Eliphalet Smith, master of the American brig Macedonian, who then was, and now is, a citizen of the United States of America.

Considering the long period which has elapsed since the seizure of the property, and the repeated applications that have been made by my predecessor in command, and the commercial agent of the United States at Valparaiso, to the authorities of Chili, without any satisfactory response having been made on this subject; that it is claimed as property of, and belonging to, citizens of the United States, and that ample time has elapsed to enable the authorities seizing and detaining it to prove their right so to do; and, considering the honorable sympathy felt by the Government and people of the United States towards the patriots of South America, in their struggle for independence, I feel persuaded that your excellency will acquiesce in the right we have to expect, that justice will not be delayed or denied them.

As it comports with the best interests and is the policy of the United States to cultivate a good understanding with all governments and people, and, in the spirit of amity, to exhaust all amicable means for obtaining justice for its citizens,—in this spirit, and entertaining, in common with my fellow citizens and the Government of the United States, a high opinion of the very many excellent qualities you possess, and the desire you have to cultivate a good understanding with the United States, I have availed myself of this occasion to ask, for the information of my government, whether the property seized, as above, will be restored, with suitable damages; or, whether judgments have been given in the prize courts condemning the same, and, if so, to ask a copy of the judgments, that I may lay before them the grounds of such condemnation.

In bringing to the notice of your excellency the above acts, committed on land by the authority of the naval forces of Chili, I would also beg leave to bring to your notice a more recent act committed on the water by the military authorities at Talcahuano, in the province of Conception. Although some color of pretext might be assumed for the seizure of neutral property in the territory of an enemy; yet, no pretext whatever could exist for the violent seizure of neutral property on board a friendly vessel, within the port and territory of Chili. As the act was committed without the authority of the government of Chili, it was hoped and expected that immediate restitution of the property taken would have followed the decree of your excellency, and a suitable punishment would have been inflicted on the authors of that outrage, so nearly allied to piracy by its character and the manner in which it was executed.

May I ask of your excellency, for the information of my government, whether it is contemplated by the authorities of Chili to do anything more in the above case of the ship Ocean, Captain Pinkham, whose declaration you will receive, enclosed, for your excellency's information?

I have the honor to remain, with assurances of the highest consideration and respect, &c.,

(Signed) C. STEWART.

C.

[Translation.]

Eliphalet Smith, a citizen of the United States of America, prompted, no doubt, by a lively interest in whatever may be beneficial to his country or its citizens, and animated with a generous sympathy in the concerns of the inhabitants of this province, with whom he has been for some time associating in mercantile transactions; and whereas, said Smith, by his residence here, has had an opportunity to witness the good faith of this government in the fulfillment of all its engagements, and to mark its invariable respect and courtesy to all foreigners, in conformity to the established usages of Spain, adopted by the noble magnanimity of her policy, the said Smith hath expressed a wish to this royal government that articles of agreement should be entered into which shall secure to his countrymen the right to land their goods and merchandise from their vessels upon this coast, and from which, great and mutual advantages are to be derived by both the parties contracting. In furtherance of this meritorious proposal, I shall be happy to sanction it with all the faculties which have been entrusted to me by his excellency the Vice-King; and having no doubt that your excellency, as commander-in-chief of the naval forces of the United States, derives powers correspondent to my own in this behalf from your government, there seems to be no difficulty in our agreeing upon such terms as may appear most advantageous to both nations. I have no doubt that such an arrangement might be made without delay if it were possible for us to have a personal interview. But I apprehend this to be impracticable, since it may not be convenient for you to leave your squadron, and it is improper for me to absent myself from the front of my troops.

I propose, therefore, that your excellency send some vessel-of-war to the port of Molliendo, under the command of an officer, or with some other person on board in the confidence of your excellency, clothed with full powers to treat with me on this interesting subject; upon which we may agree to articles of arrangement that shall result so beneficially as to place us in grateful remembrance with those who shall successively participate in them, and prove us both more worthy of the nations we represent.

I shall ever be, with the highest consideration,

Your excellency's very obedient and most humble servant,

(Signed) JUAN RAMIREZ.

The Commander-in-Chief *of the U. S. Naval Forces in the Pacific.*

Arequipa, *February* 25, 1822.

NAVY DEPARTMENT, *August* 18, 1825.

I certify that the preceding is a copy of a paper purporting to be a translation of a document marked C, which accompanied a communication from Commodore Charles Stewart to the Secretary of the Navy, dated May 3d, 1822, the original of which is on file in this Department.

JOHN BOYLE.

U. S. SHIP FRANKLIN, *Valparaiso, April* 20, 1822.

To his excellency Juan Ramirez, commander-in-chief of H. C. Majesty's forces in Upper Peru:

I have the honor to acknowledge the receipt of your excellency's letter directed to me under date of the 25th of February last, inviting me to arrange and agree upon articles for the future commercial intercourse between his Most Catholic Majesty's provinces in Peru and the United States of America.

The invariable policy of the Government of the United States in leaving to foreign powers the free enjoyment of commerce with its ports, precludes the possibility of granting to the authorities of Peru an equivalent for any relaxation they may deem proper to grant from the rigid colonial policy of his Most Catholic Majesty. In this state of things, should his highness, the Viceroy of Peru, deem it proper (for the commerce of the provinces and for the facilitating their essential supplies) to rescind those existing restrictions, and moderate the excessive duties hitherto imposed on the imports and exports to the provinces, towards neutral powers, it will afford me great pleasure to receive from his highness the same and transmit it to my government for their information, as one of those neutrals towards whose commerce such relaxation has taken place. The strict neutrality adhered to by the Government of the United States during the contest carrying on in South America between the contending parties, was, at all times, an assurance to both that their commerce was equally open to each, under the sanction of neutrality and the laws of nations, whenever either party was disposed to receive the same, and extend towards it that protection and reciprocity of convenience and facility which constitute the basis of mutual benefit and intercourse. Therefore, should his highness, the Viceroy, be desirous of placing the intercourse with the provinces of Peru in that unshackled state which will enable neutral merchants to trade therewith without a certain hazard of loss, I can assure your excellency it will afford me great pleasure to be the organ of communication to whatever may be mutually beneficial to our respective nations. That sufficient time may be allowed to enable your excellency to lay before his highness, the Viceroy, this communication for his consideration, I dispatch one of the vessels-of-war under my command, and shall shortly touch at Arica, in this ship, to receive any further communications you may deem proper to make.

I pray your Excellency to accept the assurances of my high respect, with which,

I have the honor to be, your most obedient servant,

(Signed) CHARLES STEWART.

Señor Comandante de las Fuerzas Navales de los Estados Unidos.

AREQUIPA, *Junio* 3 *de* 1822.

Muy Señor mio de tode mi aprecio: Como V. S. se sirvió comunicarme su pronta llegada á esta costa, aprovecho este motivo que me proporciona la ocasion de saludarlo, avisarle, que su pliego lo dirigí al Exmo. Señor Virey, cuya contestacion espero, y afrecerle mis respetos, y la fina propension que me asiste emplearme en su beneplácito con una voluntad sincera y espresiva. Así vea V. S. qué se le ofrece, seguro de que, pendiente de mi arbitrio, será servido por su afmo. Q. B. S. M.

JUAN RAMIREZ.

Anticipé á V. S. mis respetos en Arica, reservándome instruirle la contestacion del Exmo. Señor Virey á la que le acompañe de V. S. mismo sobre el arreglo propuesto en beneficio del comercio y utilidad de las Naciones á que pertenecemos. Sin haberla recibido aun se me anticipa la noticia del arribo del Navio Franklin, de su mando á Quilca, puerto mas inmediato de mi cuartel General, y no puedo menos de valver á repetir á V. S. mis consideraciones, y dirigir un oficial que se las ofrezca á mi nombre. Si V. S. haciendo un franco uso de mis ofrecimientos me presentare la ocasion agradable de egercitar en su obsequio mi persona y facultades, yo la aprovecharia desde luego haciéndome en ello el mas alto honor; pero seguramente siento reclamar ántes la generosidad de V. S. y su proteccion en favor de un General que despues de haber cumplido sus deberes, cansado de las fatigas á que lo han necesitado sus mismos servicios, tiene su Pasaporte para restituirse á Europa y desea incorporarse eu el seno de su familia. Todo depende de que V. S. se decida á franquearme su proteccion para realizar idea tan justa, que en nada compromete su neutralidad respecto de los partidos en América. Préstese pues á ello, por el consejo de su corazon generoso, y por la mediacion del amigo Smith, que no dudo interponga su influjo en mi favor.

Dios que á V. S. ms. as. Cuartel General en Arequipa, Junio 29 de 1822.

JUAN RAMIREZ.

Translation of the above.

I forwarded my respects from Arica, reserving for some future time to inform you of the reply of his excellency, the Viceroy, to the letter which your honor addressed to me, and which I forwarded to him, respecting the proposed arrangement in behalf of commerce, and for the benefit of the nations to which

we belong. Without having as yet received said answer, I am informed of the arrival, at Quilca, of the ship Franklin under your command, a port nearer to my head-quarters, and I can do no less than to reiterate to your honor my considerations, and to send an officer to offer them in my name. If your honor, frankly accepting my offers, should afford me the pleasing opportunity of exercising, in your behalf, my person and my influence, I would avail myself of it at once, considering it a great honor; but, really, I regret to be under the necessity, beforehand, to appeal to the generosity of your honor, and to solicit your protection in behalf of a general who, having performed his duty, and worn with the fatigues which the discharge of those very duties has brought upon him, has his passport to return to Europe, where he desires to return to the bosom of his family. All depends upon your honor deciding to grant me your protection in order to realize so just a wish, which in no wise compromises your neutrality respecting the parties in America. Yield, then, to my request—to the dictates of your generous heart, and through the mediation of friend Smith, who, I have no doubt, will use his influence in my behalf.

God preserve you many years.

JUAN RAMIREZ.

HEAD-QUARTERS IN AREQUIPA, *June* 29, 1822.

U. S. SHIP FRANKLIN, *off Quilca, July* 12, 1822.

To his excellency Lieutenant General Ramirez, commander-in-chief, &c., &c., Arequipa:

The letter your excellency did me the honor to write me on the 20th ult., by some accident was not received until yesterday. I was in hopes that by the early opportunity in which I had dispatched Mr. Eliphalet Smith with my reply to your excellency's letter transmitted me by that general, dated the 25th of February last, that I should have received by this time any propositions his excellency, the Vice-King, might wish to make through me to the Government of the United States, for the regulation of the commerce of our citizens. Under the supposition that his excellency declines anything further on that subject, I beg leave to apprise your excellency that my stay at this place will be made as short as possible, and only long enough to place the funds of my fellow-citizens on board this ship, which is collecting in Arequipa, and on its way to that place from the mines in the vicinity. Your excellency will render a service to the object of my government in this sea, by your influence with his excellency the delegate of Arequipa, to expedite by affording all necessary facilities to this object: by dispatching it to the coast, within the province of his authority.

In replying to that part of your excellency's letter for a passage in this ship, I have to observe that it will be entirely out of my power to meet your wishes. Our station in this sea will continue for two years, in intercourse with various ports, all of which are in a belligerent state. Your excellency will perceive the impropriety of affording you, as a neutral, the accommodation which you desire.

I pray your excellency to accept the assurance, &c., &c.,

(Signed) C. STEWART.

U. S. SHIP FRANKLIN, *Harbor of Callao, August* 9, 1822.

To his excellency the Marquis of Truxillo, supreme delegate of the government of Lima, &c., &c., &c.:

I have the honor to represent to your excellency, that, since my arrival in this port, complaints have been made to me by several of my fellow-citizens, of the injustice and injuries they have sustained in their persons and property, by the authorities and government of Lima, from the illegal seizure of their vessels and cargoes, or their proceeds, and the imprisoning of some of their persons without just cause or pretext other than as coercive measures, to compel a relinquishment of their property.

Confiding in the justice of the government of Lima, and sensible that the Government of the United States has given no grounds for acts so hostile to their national rights, and so injurious to their interests, I feel persuaded it will be only necessary to present the cases to the government of Lima, to insure the restitution of the property so unjustly detained from my fellow-citizens, with suitable compensation for the damages they have sustained in consequence, and such orders to the officers and agents of the government of Lima as will effectually prevent, in future, the imprisonment and duress of their persons, so highly inconsistent with the respect due from a government professing friendship for the Government of the United States, and who are so justly entitled to it from the respect and sympathy they have always shown towards the cause and patriots of South America.

By the memorial and protest of Stephen B. Howe, a citizen of the United States, and late supercargo of the brig Macedonian, of Boston, and John B. Jones, chief officer of that brig, it appears that on the 28th of February last, that vessel was forcibly taken possession of by officers and soldiers acting under the authority of the government of Lima; that four of the seamen belonging to the Macedonian brig were conducted to prison; that the officers of said brig were turned on shore by the guard on the 13th of April, after which the cargo of cocoa was landed, which, together with the remaining cargo on shore, brought from China, in the brig, as also the proceeds of such part as had been disposed of, was condemned by some secret tribunal or inquisition, and the whole applied to the necessities of the State; and the brig Macedonian fitted out as a national cruiser, and has since sailed under the authority and flag of the government of Lima. Under this state of things, it becomes my duty to claim from the justice of the government of Lima restitution of the brig Macedonian, and the cargo she brought from China to Callao, in proceeds or otherwise, as also the cargo of cocoa on board at her seizure, or full value for the whole thereof, with suitable damages for its unjust detention.

I have the honor to remain, with great consideration and respect,

Your excellency's most obedient and very humble servant,

C. STEWART.

CALLAO HARBOR, *August* 20, 1822.

To his excellency Francisco Valdiviedo, minister of state of Peru:

I have the honor to acknowledge the receipt of your excellency's letter of the 13th instant.

The Government of the United States would, were it necessary, most sensibly appreciate the motives and condescension of the government of Lima in extending towards the only representative the United States have at this place the special favor of replying to his appeals to your sense of justice in behalf of his fellow-citizens, notwithstanding the decree of his excellency the Protector of Peru. If I comprehend the spirit and intention of that decree, I should have no difficulty in considering it in conformity with the laws of nations, and as binding only on those neutrals and strangers residing in the country, and enjoying the protection of its laws, but by no means binding on those transient strangers who are not subject to the laws, further than is necessary for the internal peace and quiet thereof.

Although this case refers to personal interest, yet there are circumstances attending the transaction, involving essential principles of international law, as well as important individual and national interests; and the Government of the United States feel too sensibly the claims their citizens have on their protection, not to be aware how far their dignity is concerned in affording it.

Your excellency states that this case has been discussed and adjudged in the hearing of the parties concerned; but you will perceive by the accompanying copy of the protest of one of the parties, that this was not the case, and that his prayer for a suspension of the trial, until the arrival of the principal evidence, and the original documents essential to a defence, was disregarded.

Your excellency also states, that the brig Macedonian was sequestered as the property of Don Jose Arismendi, whose share in the vessel and cargo was of more value than the whole property seized. I am at a loss to discover how your excellency renders a share greater than the amount seized, unless you consider the part of the cargo landed at Arica as constituting a part of his share; and that you seized the shares of others in this vessel and cargo, because that which belonged to Arismendi was not within your reach. This would be setting up a principle so contrary to every rule of justice, that I trust there is no government existing capable of adopting it. If Arismendi owned any part of the brig and her cargo, it is susceptible of proof, and it remains for the government of Lima to furnish those proofs for the information of the Government of the United States.

Your excellency states that the permission for the expedition of this vessel from Canton to Callao was negotiated with the enemy by Arismendi and Captain Smith: they having paid to that enemy, for the purposes of the war, certain sums of money in advance of duties, and in violation of the neutrality said Smith ought to have religiously observed. By the documents herewith transmitted, no such fact appears, but the reverse. They show that Arismendi made the contract with the government then existing, and that, if any money was advanced, he alone paid it; that Smith's contract was with Arismendi, for the benefit of which, Arismendi was to receive a portion of the profits of the voyage, and no money was paid by Smith to Arismendi or the government; consequently, Smith committed no breach of neutrality, as your excellency has alleged. The recent contracts entered into by the government of Lima with certain merchants, for the purpose of trading in British vessels with the ports of your enemies at the Intermedios, would not constitute a justifiable cause for seizing and confiscating those vessels and cargoes by your enemy, under the pretext that those contracts had violated their neutrality, although the consideration money should be applied, as it may be, to the support of the war.

Your excellency states that, it being necessary to detain some individuals who were on board, to prosecute a judicial investigation, the four seamen were of course detained for that purpose, and that this act cannot be considered as oppressive. Where habits of incarcerating foreigners prevail, I make no doubt, the consideration and feelings of those practicing such habits become seared to their oppression. To the citizens of the United States, who have not forfeited their liberty under the laws, imprisonment is particularly oppressive, and extremely obnoxious to their government, and so far as they were essential to the prosecution then contemplated, the very act of incarceration destroys the validity of their evidence, and renders all they do and say a nullity in the eyes of justice; for, those who have suffered personal injury and insult, and stand in personal fear, are not the tools by which justice works her ends.

By the accompanying documents it will appear that the following facts are established as regards the brig Macedonian and her cargo:

First. That the brig Macedonian belongs to John S. Ellery, of Boston, and Philip Mercier, of Baltimore, citizens of the United States.

Second. That the cargo belonged in part to Pacqua, a Hong merchant in Canton, and several citizens of the United States, by whom the cargo was shipped in Canton.

Third. That the case is not a seizure under the common law, or a litigation between the citizens of one State and the citizens of another State, but a seizure by the government of Lima for an alleged breach of neutrality.

Fourth. That no contract was made by E. Smith with the former government of Lima, and that E. Smith has never paid on account of such contract to the former government of Lima one dollar, in advance of duties or otherwise, for the purposes of carrying on the war.

Fifth. That E. Smith made a contract with Arismendi for their mutual benefit, but wholly prospective on their part, as said Smith was not obliged, and did not pay to Arismendi one dollar on account of the said contract.

Sixth. That Arismendi failing to perform his part of the contract, it became null and void, and released E. Smith fully and effectually from all obligations on his part, in consequence of which E. Smith went to Arica, and not to Callao, as the contract obliged him to do; from whence he sent the brig to Callao, with such parts of the cargo as were not suited to any other market.

Seventh. That his property was condemned contrary to the rules of justice, which require that the claimants should be heard in its defence, and that time should be allowed to produce all the evidence essential to such defence.

Eighth. That part of the crew were, without justifiable cause, taken forcibly to prison, and there confined, not for the ends of justice, but for such purposes as are generally the object in such cases of incarceration.

The foregoing facts being sufficiently established by the evidence transmitted, common justice towards a friendly and neutral power would seem to require the restitution of the property thus unjustly taken, as due to the citizens of a country whose government has shown, at all times, the most friendly

respect for the rights of the patriots of South America, and who only desire a reciprocity of respect towards their own flag.

I pray your excellency to accept the assurances of the high
Consideration and respect with which I remain, &c., &c., &c.,
(Signed) CHARLES STEWART.

Note of documents transmitted.

No. 1. Attested copy of protest.
No. 2. Attested copy of Arismendi's contract with the former government of Lima.
No. 3. Attested copy of Smith's contract with Arismendi.
No. 4. Attested copy of Smith's declaration.

U. S. SHIP FRANKLIN, *off Callao, September* 26, 1822.

To his excellency Francisco Valdeviedo, minister of state of Peru:

I have delayed replying to your excellency's letter of the 10th inst., in consequence of the rapid changes which seem to have taken place in the government and authorities of Lima since I had the honor of receiving the same.

Waiving, for the present, the question of legality attaching to the decree of his excellency the Protector, on the broad basis your note seems desirous of attaching thereto, as well as the questionable right of the government of Lima to seize and condemn the property of citizens of the United States, for the lawful transactions of E. Smith with the subjects of a State under the former government of Lima, I have given my particular attention to the documents your excellency has transmitted to me, on which that confiscation has been predicated. No. 11 appears to be the copy of a transfer from Mercier to Arismendi for his half of the brig Macedonian, written by the said Arismendi, who therein states the original to be in his power. Such a paper as this copy would not be received as evidence in any court of justice, more especially where the original existed in the power of Arismendi, and the said Arismendi was in the power and prison of the government of Lima, and, if that government could force from Arismendi such a copy, they could also force from him the original. Your excellency cannot but be aware that such a document, if it existed, could give no legal rights to Arismendi over the vessel, as the forms of law require a regular bill of sale to constitute the ownership and partnership in property of that description, and Arismendi was too strict and correct a merchant to hold property by so flimsy a tenure.

No. 12 appears to be the copy of instructions given by Arismendi to his agents Helme and Joiberry; admitting this to be genuine, it only proves that Arismendi was willing and desirous of holding Smith bound to his part of the contract, while he (Arismendi) failed completely in the performance of that part which he had undertaken: and, surely, your excellency has not to learn, at this late period, that the failure of one of the parties to a contract, in any part he binds himself to do, not only exonerates the other party from a compliance therewith, but subjects the party so failing to all the damages and detriments arising in consequence.

No. 13 is the report of the judge of sequestration to your excellency, which states that, in the second page of Arismendi's greatest book, under date of the 1st of July, 1820, the sum of $18,500 is charged as his (Arismendi's) half part of the Macedonian, and supplies for expenses of the vessel—the day book confirming the charge as $15,000 for half the vessel, and $3,500 for expenses. From the dates of this entry in the great book and the day book differing so widely from the document said to be Mercier's transfer of half of the Macedonian to Arismendi, wherein he acknowledges to have that day been paid $15,000 for the same, I should suppose your excellency would find yourself at a loss which to credit, the copy of Mercier's conveyance, or the report of the judge of sequestration: if the transferring paper, the entry in the books cannot be just; if the entry is just, the paper given by Mercier must be fictitious.

Nos. 15 and 16 are the depositions of the master and mate of the brig Macedonian, which confirm all set forth in the protests and declarations of B. Howe and E. Smith, which state that the freight of the goods was received at San Blas, the amount of which freight constituted the specie and piña there put on board, with which they sailed to Canton.

Your excellency will pardon me if I cannot perceive in the transactions of E. Smith with Arismendi, and the lawful voyages of the brig Macedonian, that violation of his neutral character so strongly insisted on by your excellency, and you will excuse my presumption if I cannot give credence to your excellency's assumptions, so illy borne out by facts and proofs, however often reiterated by the minister of state of Peru.

The claimants, having been excluded from a hearing in defence of their property before the first tribunal, as also from making their protests and reservations before the proper authoritiy, have little to expect from the justice of any other tribunal before which they could bring it. Their appeal must now be made to the justice of their own government, who will not deem it unworthy of their most serious attention; and I can assure your excellency that if so unjust and nefarious a transaction has not been resisted by force of arms, you owe it exclusively to the respect the Government of the United States desires to feel for the patriot cause of South America.

I have the honor to renew to your excellency
My assurances of the highest consideration and respect,
(Signed) CHAS. STEWART.

U. S. SHIP FRANKLIN, *Callao Harbor, June* 30, 1823.

To his excellency General Sucre, civil and military commander-in-chief at Callao:

I had the honor to receive your excellency's note of yesterday's date, apprising me that you have "ordained that all the ports situated between Pisco and Chancay, occupied by the Spanish forces, are in

a state of blockade, on the same principles and conditions as those of all the coast of Puru from Iquique to Pisco." In reply to these new principles of blockade adopted by the patriot governments in the waters of the Pacific ocean, and by the royal authorities on the opposite side of this continent in the north Atlantic, I have to observe that the Government of the United States expressly disavow their legitimacy; that they have at all times heretofore, and in future will continue to protest against their legality, at least so far as they may affect their just rights, and interrupt their lawful commerce with either of the parties at war. In thus preserving their neutral attitude under the authority of gubernatorial law, and their innocent commerce from being seized or turned from the ports of either of the belligerents under such pretexts, decidedly illegal, they do not deny to the belligerents the right of search for contraband munitions of war, the only legitimate purpose of such blockades.

Whenever it shall please the authorities in Peru to declare a port or ports in a state of blockade, and permanently station before such port or ports a competent naval force to carry it into effect, then such blockade will be respected, or those attempting to enter (after due notice) will be subject to all the penalties in such cases. A conformity with these principles on the part of the belligerents will strengthen and preserve the harmony subsisting between the republic of North and the republics of South America, which it is so much their disposition and interests respectively to maintain.

I have the honor to tender to your excellency

The highest consideration and respect, with which I remain, &c., &c., &c.,

(Signed) CHAS. STEWART.

U. S. Ship Franklin, *Callao Bay, July* 14, 1823.

To his excellency General Sucre, civil and military commander-in-chief at Callao:

The letter your excellency did me the honor to write me on the 8th inst, in reply to mine of the 30th ult., has been duly received.

It does not, perhaps, belong to me to discuss the principles your excellency contends for, with respect to the declared blockade of the western coast of Peru by the patriot government; it may only belong to me to notify my respectful protest against its illegal and injurious operation, so far as the commerce of the republic of North America is concerned; and, in compliance with my orders, to guard it against those effects, leaving the principle and points contended for to the discussion of the two governments. But, the government of Peru may have been led into an error on that subject, by the infraction of those principles of the laws of nations, during the late war in Europe, between France and England, and then for the first time adopted by Great Britain, and, as your excellency states, not opp sed by her commanders on this station. If I bring to the notice of your excellency some important facts, out of the strict line of duty attaching to my command, I hope and trust your excellency will do me the favor to believe it only originates in a strong desire to guard our respective rights, and to preserve a lasting harmony between the governments.

After the commencement of hostilities between Great Britain and France, in 1793, so long as it was the interest of England, and during the existence of the marine of several European powers, that government observed and applied the principles of the laws of nations to all the blockades instituted. But when she had destroyed, in turn, the marine of the other European powers, her policy was then changed; international law was rejected; honor and common honesty were abandoned; power gave right, and a war of destruction was waged against the unoffending neutrals. Thus, having nothing for her triumphant marine to prey upon, the neutral commerce was given up to its cormorant rapacity; and even that which escaped its talons, she forced her open enemies to prey on, under pretext of retaliation.

Against such principles, I need not remind your excellency, the United States resisted, even with England, successfully; and as the republic of the north was the first to contend for just principles in the late war, she was also found the last in the field defending them.

The conclusion your excellency has drawn from the tacit conduct of the British naval commanders on this station are not applicable to the United States; and perhaps those commanders may not be instructed to interfere with any kind of blockade the patriot government may deem proper to impose, especially one founded on principles so lately and newly exercised by themselves. England, the most politic nation, has always been guided in her conduct towards others by principles of policy and interest, oftentimes just, but as often at variance with justice and previous conduct. She may reserve to herself the right of discussing and demanding indemnification of the patriot government hereafter, for any violation of her rights—to preserve a future cause of quarrel with these governments, to obtain some exclusive commercial advantage as indemnity hereafter—to apply the same rule to the commerce of this country in her future wars. Whatever infraction of her rights she may deem proper to tacitly acquiesce in now, does not and cannot constitute a reason that the Government of the United States should also yield theirs.

Your excellency very justly observes that a blockade declared by the commander of a ship of the line, or a schooner, legally commissioned for war, does not import less in the one case or the other; and it will be but just to add that the declaration of a blockade, originating in their will, imports nothing. The commander of a ship-of-war, or commander-in-chief of a squadron, can institute a blockade in very distant seas; the urgency and necessity of the case render it legal. The act of a belligerent, involving certain rights of a friend; is an act of sovereignty, it belongs to that authority to declare it, and only to the commander to carry it into effect. But the belligerent's right and will to do so, and the declaration of it, do not constitute the act, unless combined with an object that is legitimate, and a force competent to sustain it. With respect to the legitimacy of the object, that can only exist in depriving your enemy of all external means of annoying you, and external sources for continuing the war, and is in a great measure dependent on their actual situation; hence, the right of the neutral to introduce all articles of a perfectly innocent nature, and which do not constitute anything towards carrying on the war.

It would be preposterous to blockade by sea a port against the entrance of provisions, which has an extensive and abundant country adjoining to supply it; in such a case, the belligerent would only be injuring a common friend without prejudice to his enemy. This the laws of nations forbid his doing; but on the other hand, where a possibility exists of your reducing your enemy to terms by excluding such provisions, your right is legitimate to do so, and the injury done the neutral is accidental.

With respect to the competency of the force, it will depend on the localities of the port or ports blockaded, and not on the size of the vessels and the weight and number of their guns. With this neutrals have nothing to do; it is sufficient for them that the place is susceptible of being blockaded, and the force applied is of such description, and so stationed, as to render it extremely hazardous to enter. So also with respect to the force of your enemy: if he possesses a thousand ships-of-war more than the blockading power, and does not see proper to drive it from his ports, it is effectual against the neutral so long as that blockade preserves and does not voluntarily abandon its stations.

A blockade originally legitimate and legally instituted, may derive an opposite character from the conduct of the belligerent blockading. Thus, the forces stationed to carry it into effect negligently and partially executing it, the government contravening its legitimate object, and by partiality or license permitting one or two neutral flags to trade, while all others are excluded, thereby rendering it a subject of convenience to themselves or a source of *tribute* to their *coffers*. Admitting, in consequence of the localities of the western coast of Peru, that it be susceptible of blockade by as small or smaller a force than the same extent of coast in any other part of the world, yet the whole naval force of Peru, even if actually engaged in that service, is not a competent force for the blockade of a coast eight hundred miles in extent, and containing very many ports and harbors. I, however, believe very little of the naval force of Peru has been employed in that service; and, in fact, this extensive blockade has often been left for months with no other vessel beyond a schooner. And also there can no doubt exist of exclusive privileges having been given by the government of Peru to particular persons and flags to trade by license with this coast, declared under blockade.

The principles here contended for, the United States are also contending for with Spain, in the north Atlantic, where they operate in favor of the patriot government. It would be absurd for the government of Spain to declare under blockade and the operation of the laws of the Indies, the whole coast of Chili, Peru and Mexico, and as the most susceptible and convenient mode of sustaining that declaration, to cause a naval force superior to that of the patriots to cruise to the westward of Cape Horn, and there arrest every vessel coming or going, under pretext of violating the laws of the Indies and blockade of the coasts; yet this conduct on their part would not be less effectual or more absurd than the blockade of an extensive coast without anything like an adequate naval force to sustain it.

I pray your excellency to accept the assurances of the high respect

And consideration with which I have the honor to remain, &c., &c., &c.,

(Signed) CHAS. STEWART.

U. S. Ship Franklin, *Quilca, January* 15, 1824.

To his excellency Don Geronimo Valdez, commander-in-chief of the southern army of Peru:

On anchoring at this place to-day, the letter your excellency did me the honor to write me, under date of the 7th instant, was put into my hands, relating to certain transactions that had taken place since my arrival on this coast, as detailed in the reports of the commanders at this port and that of Molliendo.

Your excellency very justly persuades yourself "that some powerful motive, of which you are ignorant," has given rise to my attempts to intercept the brig Quintanilla, but very improperly attribute that transaction as growing out "of a state of war between our respective countries," or to imagine that any transaction of mine (were I capable of doing an intentional wrong) could seriously disturb the harmony between Spain and the United States of America, for my government never hesitates to do ample justice to complainants, even for inadvertent wrongs, as well as intentional ones, committed by officers acting under their authority. The transactions of the commander of the brig Quintanilla are so notoriously *piratical*, that I deem it would be the duty of all officers acting under the authority of just and legal governments, to seize and bring to condign punishment a person who so flagrantly outrages all law, justice and humanity, and I cannot persuade myself that either yourself or his excellency, the Viceroy, are prepared to avow the nefarious acts of this freebooter, or to entrust the honor of the Spanish flag to such hands.

Your excellency may not yet be aware of the transactions of this man, because no representations may have reached you, and my anxiety to arrest his career has hitherto prevented my offering to your excellency and the Vice-King the representation I now make, and to ask your co-operation to put an end to this lawless depredator on the persons and property of my fellow citizens in the Pacific, whatever minor authority (if he has any,) he may plead as his right. The commander of the privateer armed brig Quintanilla was formerly acting under, aiding, abetting and co-operating with Benavides, and in conjunction with him piratically seized, robbed and destroyed the American brig Ocean, and ship Hero, putting to death the captain, mate and one boy of the latter vessel. This man piratically seized the brig Cinco Hermanas, (being one of the crew,) at the mouth of the river Guayaquil, she being a merchant vessel on a trading voyage from this place to San Blas, which vessel is now the Quintanilla. This piratical act should have induced a gallant and just officer, officiating for a magnanimous nation, to have arrested and detained him, even should it not have comported with policy to have restored the property he so unlawfully possessed himself of, to an enemy; but cases have occurred in the history of Spain where magnanimously they have restored not only the property taken, but the offenders to an enemy, disdaining any advantages resulting from such lawless baseness, originating in acts of piracy. The recent piratical acts committed by this man, consist in his having fired a broadside into the American brig Frederick, coming from Pisco to this place, taking possession of her and sending her to Chiloe. Also in taking possession of, and robbing to a considerable amount, the American brig Winifred in the port of Quilca. Whatever commission he may have received from the Governor of Chiloe, authorizing him to capture the enemies of Spain, he could have no legal authority from such source to interfere with the commerce and citizens of the United States, trading to your own port, and under your own authority. The American brig Amanda was taken possession of in this port, her ballast tore up, and every part of the vessel ransacked and searched for money; and the crews of the several vessels were put in irons or confinement, and by coercion and bad treament induced to join this highway robber.

Enclosed I transmit to your excellency copies of the 15th and 18th articles of the treaty of amity,

limits and navigation, between the King of Spain and the United States of America. The 15th article provides that free ship neutralizes all goods on board, although it should be property of the enemy of the other party; the 18th article provides for the respect due to their flags, and the caution, as well as motives, for boarding the vessels of either party in time of existing war. By these articles of the existing treaty between Spain and the United States, there is no authority in this country to grant commissions for seizing vessels of the United States; a treaty being the supreme law of the land, no power exists that can cancel its obligations, other than that of the King of Spain, who made it; and consequently any acts committed against the citizens of the United States and their property, contrary to those stipulations, by any authority other than that of the King of Spain, is unlawful and piratical.

These are the grounds for my late proceedings, which your excellency has been pleased to bring to my notice by the letter of the 17th instant. I shall now proceed to state to your excellency the authority under which these proceedings are justified. In the first place, the Government of the United States has kept a naval force, at a great expense, in this sea, to protect the commerce of the United States and their citizens against lawless depredations by either of the parties engaged in the civil war existing in South America. As I have already shown your excellency that, by the subsisting treaty between the King of Spain and the United States, the commander of the brig Quintanilla has no legal right to capture, detain, or search vessels of the United States, therefore, all his acts towards the American vessels before stated are lawless. In the second place, your excellency admits she has no other authority under which she cruised than that of the commission of the Governor of Chiloe, and under which authority this commander has conducted himself as he has done in the above cases. This, I have shown your excellency, is no authority whatever, unless the said governor possesses all the attributes of sovereignty adherent in the King of Spain, and can annul treaty stipulations. However indifferent we may be with respect to scrutinizing the authority with which the vessels cruising under the Spanish flag may be commissioned, so long as they confine their depredations to their enemy, yet we cannot be regardless of that authority when their hostilities are extended towards the interests we are sent here to protect: then, if we test that given by the Governor of Chiloe, by the laws of nations, it will be found defective.

The act of commissioning for war is an act of sovereignty, and *Vattel's* authority, in page 467, under book 3d, of war, section 229, is as follows: "Persons fitting out ships to cruise on the enemy, in recompense of their expenses and the risk they run, acquire the property of the capture; but they acquire it by grants from the sovereign, who issues out commissions to them," &c. In the third place, authority is given by a law of the Congress of the United States, under the second section, "to the commanders of the ships-of-war of the United States to subdue, seize, take, and send into any port of the United States any armed vessel or boat, the crew whereof shall be armed, and which shall have attempted or committed any piratical aggression, search, restraint, depredation, or seizure upon any vessel of the United States, or of the citizens thereof."

From the foregoing facts and circumstances, your excellency will perceive that no late movement of mine, or the forces under my command, are predicated upon views of hostility towards Spain or her rights; but on the contrary, that I owe it to the laws of my country and that of nations to examine all vessels armed for war in this sea, and thereby ascertain their character and authority, which is essential to my discriminating between those that are legally authorized to cruise and pirates.

The detaining of the boat belonging to the Quintanilla, as well as the other small boats belonging to the vessels in the Caleta, (which is now returned,) was a defensive act, in favor of the vessels and property in that port, and with no view to incommode the commandant or authorities at the place; particularly as a large number of the equipage of the pirate brig were in possession of her, and might, with such means, have committed a further outrage on the American brig Winifred, lying there.

It now remains for me to declare to your excellency that I entertain the highest confidence in the honor, justice, and integrity of the royal authorities of Peru, and that no reclamation on behalf of my fellow citizens, can be made by me, in justice, that will not be readily complied with. I owe to that candor which characterizes the government and nation I represent in this sea, as well as to that high and honorable character of your excellency, and the dignified station you fill and have sustained with so much virtue, honor, fidelity, and valor, thus to detail to your excellency the motives and obligations which dictated the late movements under my commnnd; and I feel fully persuaded your excellency holds in too high estimation the honor of the Spanish nation, and the dignity of its crown, to countenance an alliance with pirates, so dishonorable to the gallant struggle you are making for the colonial rights of Spain.

Enclosed I have the honor to transmit to his excellency, the Vice-King, copies of this correspondence, &c., which I beg the favor of your excellency to forward to him.

I embrace this occasion to renew to your excellency the assurance of my highest consideration And respect, and have the honor to remain, &c., &c., &c.,

(Signed) CHAS. STEWART.

U. S. SHIP FRANKLIN, *Quilca, January* 16, 1824.

To his excellency Joseph La Serna, Viceroy of Peru:

Some transactions on the part of the naval forces under my command, originating in piratical depredations committed on the citizens of the United States and their property trading in the ports of the Intermedios, by a brig called the Quintanilla, fitted out of the Island of Chiloe, under the authority and jurisdiction of your excellency, have given rise to a correspondence with his excellency, General Valdez, commander-in-chief of the southern Spanish army in Peru. I have the honor to enclose to your excellency copies of that correspondence, which I hope will exhibit to you fully the grounds and authorities for those transactions.

I have also taken the liberty to transmit to your excellency, herewith, an attested copy of the stipulations and obligations of amity, commerce, and limits entered into between the King of Spain and the Government of the United States of North America, by convention and treaty, under the date it exhibits; which treaty stands confirmed and extended by the treaty of 1819, entered into with the King of Spain at the city of Washington, for the cession of the two Floridas to the United States, which convention and treaty were solemnly and duly ratified in the year 1821, by his present Majesty, the King of Spain,

Ferdinand VII, under the authority of the present constitution, and by the advice and consent of the constitutional cortes, with the exception of the third and fourth articles, which became null and void, under the cession of Louisiana to the United States of North America.

It becomes my duty to ask, for my information and that of my government, an explicit avowal or disavowal of the acts of the corsairs fitted out of the ports of Chiloe, towards the persons and property of the citizens of the United States, by the authorities there existing; it also becomes my duty to solicit from your excellency's justice that you will be pleased to order a restitution of the property thus taken from the citizens of the United States by this lawless corsair, as well as indemnity to the sufferers for all losses and detentions, in conformity with the existing treaty stipulations.

Enclosed I also have the honor to transmit to your excellency certain just claims, originating in the capture of the American ship Arab at Pisco, in July last, under the authority of his excellency, General Canterac, commanding the national armies of Peru. With respect to the cargo on board that ship at the time of her capture, I have not deemed it necessary to say anything, but shall leave it to the owners thereof, to reclaim through the Government of the United States, when it will become a subject of discussion between the two governments.

To receive the answer of your excellency to this dispatch, I shall direct one of the vessels under my command to touch at this port about the first of next month, when I flatter myself it will be of such a nature as to confirm the high confidence we have in the justice and integrity of his Catholic Majesty's government in Peru, and in the virtues which characterize your excellency, and calculated to promote and cement the subsisting harmony between our respective nations.

I have the honor to remain, with the highest considerations of respect, &c., &c., &c.,

(Signed) CHAS. STEWART.

U. S. SHIP FRANKLIN, *off Quilca, February* 3, 1824.

To his excellency Joseph de La Serna, Viceroy of Peru:

Enclosed, I have the honor to transmit to your excellency the protest of several citizens of the United States, relative to the transactions and conduct of the officers and crew of the piratical brig Quintanilla, fitted out of the Island of Chiloe, under the authority of the governor and commander-in-chief of that island. All of which is duly submitted to your excellency, that you may be enabled to see how far those transactions will comport with the amity existing between the crown of Spain and the United States, as settled by the subsisting treaty.

I have the honor to remain, with the highest consideration and respect,

Your excellency's most obedient and very humble servant,

(Signed) CHAS. STEWART.

Note of documents transmitted.

No. 1. Copy of the declaration of the master and mate of the brig Winifred.
No. 2. Copy of the protest of the master and supercargo of the schooner Adonis.
No. 3. Copy (in Spanish) of the protest of the supercargo of the brig Frederick.

U. S. SHIP FRANKLIN, *at sea, February* 6, 1824.

Col. Rafael Pero, secretary to the Vice-King of Peru, Quilca:

In reply to your letter of yesterday's date, I have to observe, in confirmation of what was stated to you in our personal interview on the 4th instant, that I cannot discuss the subject referred to with you or any other person acting under the authority of any inferior power to that of his excellency the Viceroy of Peru; and having exhibited to you the letters I had the honor to address their excellencies, General Valdez and the Viceroy, which fully explain all the motives for my transactions relative to the piratical vessel Quintanilla, and the officers and crew, I have no further explanation to give you on that subject, and must now refer you to the Government of the United States, through the Spanish minister resident at the city of Washington. In my letter to his excellency, the Viceroy, I have demanded an explicit avowal or disavowal of the character and conduct of this vessel fitted out at Chiloe, under the Spanish authority, and I cannot receive the avowal or disavowal of any authority subordinate to him.

Your observations respecting the consideration and deference which until this date have been granted to me with too much generosity and liberality by the Spanish government of Peru, are inapplicable to me, as I am not conscious of having received more than was due from the officers of one friendly nation to another, or more attentions and courtesy than have been shown to the officers and citizens of other nations similarly situated with myself, all of which have been reciprocated on every occasion that the officers and citizens of Peru have presented themselves on board the ship under my command.

Your insolent observation relative to my transactions with the patriot government would be treated on this occasion with the contempt it merits, were it not accompanied with an assertion that is false, and of which abundance of proofs exist to attest its falsity.

Here our correspondence on this subject must terminate, and this letter, with one remark I have to make on a passage in the letter of his excellency, General Valdez, which letter states you to be "authorized by his excellency, the Viceroy, to treat with me on some other subjects." On this I have to observe that I am not authorized by my government to enter into any political or commercial stipulations whatever with either of the parties at war, and that, if you do possess any powers, as stated in the letter of his excellency, General Valdez, your commission on that subject has terminated also.

I remain, &c., &c.,

(Signed) CHAS. STEWART.

U. S. SHIP FRANKLIN, *off Quilca, June* 26, 1822.

To his excellency Don Jose de Pinera, sub-delegate, &c.:

SIR: Mr. Eliphalet Smith has apprised me that a number of mules laden with specie and bullion is on its way to the coast from Arequipa, for embarkation on board this ship. As he wishes it immediately embarked on its reaching its point of destination on the coast, and has requested the boats to be sent from the ship for that purpose, and it may probably arrive in the night, may I ask the favor of your excellency to give such directions to the guards as will prevent their mistaking the boats for those of the patriots?

I have the honor to remain, your excellency's most obedient, humble servant,

(Signed) CHARLES STEWART.

U. S. SHIP FRANKLIN, *Valparaiso, January* 5, 1823.

SIR: Enclosed I have the honor to transmit to you copies of the correspondence which took place with the minister of state at Lima, and the translations of all the documents he transmitted to me relating to the American ship Canton, with the declaration of Mr. H. G. Ward, transmitted to him in my letter of 11th September, 1822. I shall also transmit to you copies of the whole correspondence with Captain Wm. Prunier, commanding the Peruvian brig Belgrano, a part of which only is forwarded under this enclosure, being all the minister of state sent me, as also with my explanations thereon, which will enable you fully to understand this subject.

I have the honor to be, very respectfully, your most obedient servant,

(Signed) CHARLES STEWART.

Hon. SMITH THOMPSON, *Secretary of the Navy, Washington.*

I, Horatio G. Ward, a citizen of the United States of North America and of the State of New York, being of mature age, and supercargo, in conjunction with Jno. O'Sullivan, of the ship Canton, of New York, and belonging to Messrs. Le Roy, Bayard & Co., of that city, do solemnly declare, on the Holy Evangelists of Almighty God, to the truth of the following statement, as hereinafter sworn to and subscribed with my name, to wit:

I sailed in the ship Canton from New York on the twenty-third day of October, 1821, bound to the Pacific ocean on a trading voyage, with an assorted cargo of various merchandise, including several cases of arms, as set forth in the invoice of the cargo and the clearance from the custom house in New York; that we arrived on the sixth day of February, 1822, at Valparaiso, the same day on which the United States ship Franklin arrived at that port. The deponent further states, that the whole of the cargo on board the ship Canton was regularly entered, arms and all, without deception or concealment of any part thereof, at Valparaiso; that, with sundry other parts of the cargo, the whole of the arms shipped on board as cargo was landed at Valparaiso and placed in the custom house stores, and no other arms were retained on board, except such as were registered by the authorities of the United States for the sole use of the vessel and her defence. The deponent further states that the arms landed as before stated were not again shipped on board the ship Canton, and that no arms or other military stores were ever landed from that ship at Arica, Quilca, or any other place except Valparaiso, as before stated, up to the time of the deponent's leaving the said ship Canton, on the thirty-first day of July, 1822, off the port of Callao.

(Signed) HORATIO G. WARD.

[Translation.]

Stamp of the 3d class—two shillings: for the year 1820 and 1821; Peru independent; for the years 1822 and 1823, 2d and 3d of its liberty.

I, José Maria de la Rosa, notary public, &c., &c., do hereby certify that Mr. Horace G. Ward, supercargo of the ship Cannon (Canton) signed, in my presence, the annexed paper, which is signed by me, and he also swore before God our Lord, and by the Bible, to the truth of all his statement, and at his request I give this present, on the sixteenth day of the month of September, of the year one thousand eight hundred and twenty-two, and second of the independence.

(Signed) JOSÉ MARIA DE LA ROSA.

I, John O'Sullivan, a citizen of the United States of North America and of the State of New York, being of mature age, and commander and supercargo of the ship Canton, of New York, belonging to Messrs. Le Roy, Bayard & Co., of that city, do solemnly declare on the Holy Evangelists of Almighty God, to truth of the following statement, as hereafter sworn to, and subscribed with my name, to wit: I sailed in the ship Canton, from New York, on the twenty-third day of October, 1821, bound to the Pacific ocean, on a trading voyage, with an assorted cargo of merchandise, including several cases of arms, as set forth in the invoice of the cargo and the clearance from the custom house in New York; that we arrived, on the sixth day of February, 1822, at Valparaiso, the same day on which the United States ship Franklin arrived at that port. The deponent further states, that the whole of the cargo on board the ship Canton was regularly entered, arms and all, without deception or concealment of any part thereof, at Valparaiso; that, with sundry other parts of the cargo, the whole of the arms, shipped on board as cargo, were landed at Valparaiso, and placed in the custom house stores, and no other arms were retained on board, except such as were registered by the authorities of the United States for the

sole use of the vessel and her defence. The deponent further states that the arms, landed as before stated, were not again shipped on board the ship Canton, and that no arms or military stores were ever landed from that ship at Arica, Quilca, or any other place, except Valparaiso, as before stated.

(Signed) JOHN O'SULLIVAN.

Personally appeared before me the within-named John O'Sullivan, and made oath that the statement subscribed by him is just and true.

In testimony whereof, I have hereunto set my hand and seal, this first day of December, in the year of our Lord one thousand eight hundred and twenty-two.

(Signed)

W. M. HUNTER, *First Lieutenant U. S. Ship Franklin.* [SEAL.]

I, William January, a citizen of the United States of North America, and of the State of Pennsylvania, being of mature age, and first officer of the ship Canton, of New York, belonging to Messrs. Le Roy, Bayard & Co., of that city, do solemnly declare on the Holy Evangelists of Almighty God, to the truth of the following statement, as hereafter sworn to, and subscribed with my name, to wit: I sailed in the ship Canton, from Valparaiso, on the 22d of May, 1822, with a cargo of various merchandise, and arrived on the fifth of June, at Arica; that, after landing a part of the cargo at Arica, we sailed on the twenty-third of June, and arrived on the twenty-fifth, at Quilca, where the remainder of the cargo was discharged, the whole under my superintendence; and that no arms or military stores of any kind were landed from said ship, at either of the above ports, or any other port, to the present date.

(Signed) WM. JANUARY.

Personally appeared before me the within-named William January, and made oath that the statement subscribed by him is just and true.

In testimony whereof, I have hereunto set my hand and seal, this first day of December, in the year of our Lord one thousand eight hundred and twenty-two.

(Signed)

W. M. HUNTER, *First Lieutenant U. S. Ship Franklin.* [SEAL.]

A.

[Translation.]

BELGRANO, *Quilca, July* 9, 1822.

SIR: Immediately after my arrival at this port, with the object of fulfilling the instructions of the free government of Peru, upon which I have the honor to depend, I observed the ship Canton using the pendant of a ship-of-war of the United States, anchored at the side of the ship of the line, under your command; and being by other means informed that said ship is only a merchantman, and is transacting commercial business on this coast, you will permit to know by the means of yourself if she is, or not, a ship-of-war.

May God preserve you many years.

(Signed) WILLIAM PRUNIER.

To Commodore CHARLES STEWART, *Ship of the Line Franklin.*

U. S. SHIP FRANKLIN, *July* 9, 1822.

William Prunier, Esq., commanding the brig Belgrano, off Quilca:

SIR: In reply to your note of this date, I have to inform you that the ship Canton is a private vessel, belonging to citizens of the United States; with respect to her wearing a pendant, there is no law or practice of our country that prohibits the use thereof to private armed vessels belonging to North America.

I remain, sir, your most obedient servant,

(Signed) CHARLES STEWART.

C.

[Translation.]

BELGRANO, *Quilca, July* 10, 1822.

SIR: From the nature of the instructions which I have received from my government, I have found sufficient motives to detain the ship Canton, and to send her to the disposal of the government, and I have determined to do it to-morrow; but you being the representative in this port of the nation to which she belongs, I communicate it to you for your information. May God preserve you many years.

(Signed) WILLIAM PRUNIER.

To Com. CHARLES STEWART, *Ship of the Line Franklin.*

[Translation.]

QUILCA, *July* 10, 1822.

RESPECTABLE SIR: Yesterday, on returning from the corvette Canton, I had the honor of putting into your hands an official letter relative to the conduct which my instructions prescribe me to observe with the aforesaid corvette, and, as your excellency assured me verbally it would be replied to immediately, if deserving of attention; and as twenty-four hours have transpired without this being the case, which I judge is involuntary on your part, at the same time, I find myself urged to pursue the objects which my government have entrusted to me, on other parts of this coast.

I should be happy to have immediately your determination, in order if it were possible to conciliate them with the performance of my duties.

(Signed) WILLIAM PRUNIER.

To Commodore CHARLES STEWART, *Ship of the Line Franklin.*

U. S. SHIP FRANKLIN, *off Quilca, July* 11, 1822.

Wm. Prunier, Esq., commanding the brig Belgrano, off Quilca:

SIR: In reply to your note of yesterday's date, wherein you say, you intend to take possession of the American ship Canton, now in this port, in conformity with instructions from your government, I have to inform you that I am sent into this sea with the naval forces of the United States under my command, to protect the citizens (and their property) of the United States in all their lawful pursuits.

As the ship Canton has done no act contrary to the laws of nations, you can have no legal pretext for interfering with her. She is entitled to protection, and will be defended as property of citizens of the United States.

I remain, sir, your most obedient and very humble servant,

(Signed) CHARLES STEWART.

[Translation.]

BELGRANO, *July* 11, 1822.

RESPECTABLE SIR: The official letter, which your excellency had the goodness to write me to-day, (in reply to the letter I left in your hands yesterday) has reached me, relative to the ship Canton, of the United States, (which you now represent) to Callao, to the disposal of my government. Permit me, sir, to justify my conduct in this case. The free government of Peru has formally declared the coast of Peru under a rigorous blockade, from the 15th to the 22d degree of south latitude. In order that all nations might be acquainted with this measure, whose commerce might thereby be interrupted, at the end of May, the last time expired for foreign or national ships to carry on their commerce on these coasts, without being exposed to the penalties of the infraction of a law; a few weeks after the expiration of the term, the ship Canton, as I have been informed, was in Arica, Molliendo, and Quilca, carrying on her commercial proceedings, under the protection of the ship you command; and though this was done with impunity in the two first blockaded ports, in this she has been found by a commissioned commander, who notified her, through your excellency, that she should proceed to Callao, to be disposed of by his government, to whom it appertains to declare, admitting the legal defence of the captain of the Canton, if he be innocent, or if he has been guilty of an infraction of the law of blockade. Such has been my conduct respecting him, and I repeat it to you, that I ordered the captain of the ship Canton to proceed to Callao, with his ship, there to justify his conduct before the government, who certainly observe the general laws of civilized nations, or not to comply, protected by the superior force which you command in this port.

I protest to your excellency, and through your excellency to the government which you represent, for all damages, disadvantages and interests, which my government may be entitled to reclaim, calculating the value of said ship, her merchandise, or their proceeds, to be at the time one hundred thousand dollars, all of which, and the last reply I expect from you, I shall impart to my government. Respecting the protection of citizens and their property, legally employed in these seas, which your government has entrusted to you, I believe that it is all consistent with what is done by the authorities of illustrious governments, in which number your excellency appears singularly established.

May God preserve you many years.

(Signed) WILLIAM PRUNIER.

To Commodore CHARLES STEWART, *Commander of the Naval Forces of the United States, in the Pacific Ocean, Ship Franklin.*

U S. SHIP FRANKLIN, *off Quilca, July* 12, 1822.

William Prunier, Esq., commanding the brig Belgrano, off Quilca:

SIR: I have to acknowledge the receipt of your letter of yesterday's date, wherein, for the first time, you exhibit a reason why the American ship Canton should be detained by you; the pretext for which you state to be a general blockade of the coast from the fifteenth to the twenty-second degree of south latitude. Waiving with you the question of illegality attaching to so general a blockade of a coast, extending seven degrees from north to south, and as much more from east to west, and which, in principle, is not recognized by any international law, I will confine myself to the ports of Arica and

Quilca, the only places the Canton has been in, which you state to be specially blockaded. It is particularly unfortunate for the grounds you have taken in this case, that your government has omitted to comply with the first essential and most important requisite which constitutes a legitimate blockade of either of those ports, and that is the stationing a competent force to prevent the entrance of neutrals, and to warn them away in the first instance. On the entrance of the ship Canton at Arica and this port no such force appeared, and although I have been now six weeks on this coast, which you assert to be blockaded, your vessel and the schooner in company are the only vessels we have seen in all that time, carrying the flag you wear.

Thus, sir, you will perceive that the ship Canton has violated no law which the flag of our nation is bound to respect, or gives you a right to lay your injunction on her commander, or your government judicial authority over her. Eight days after our arrival at Arica, a schooner of one gun presented herself as belonging to the patriots of Peru, but as she did not bear the same colors which you wear, and her conduct was irregular and equivocal, I now am led to believe she was piratical.

I remain, sir, your most obedient and humble servant,

(Signed) CHAS. STEWART.

[Translation.]

BELGRANO, *Quilca, July* 14, 1822.

RESPECTABLE SIR: After 12 o'clock yesterday, as I was preparing to dispatch the French ship Telegraph to Callao, I had the honor of being favored by the note from your excellency in reply to mine of the preceding day. At the commencement of your note, you observe that my motives for detaining the Canton are for the first time explained to you in my note, &c., &c. My only reply to the observation is, that I cannot persuade myself that these motives could have been concealed from the acute penetration of your excellency, and from the captain of the Canton, as you have been for several months on this coast and that of Chili, where they are quite notorious; and besides, I had the satisfaction of informing you of these motives in detail on board the ship under your command, the day of my arrival, and I am persuaded that the captain of the schooner also did the same. You then proceed, supported by your wise diplomatic conceptions, to comment upon the line marked out by the blockade. This is a point, although not foreign to the subject in question, on which I am not permitted to observe. You then proceed to consider my intentions as unfortunate, since the government has omitted, &c., &c., and you conclude this chapter by observing that, although the blockade were valid, that the stationed force, in lieu of detaining, ought merely to warn neutral vessels from the port. Respecting the unfortunate part of my intentions in this case, I shall not take upon myself the liberty of deciding. In satisfying the enlightened confidence of my government, my conscience remains tranquil. The decision of my government alone shall actuate my conduct. I can assure your excellency, at the same time, with regard to the last head of this chapter, that according to the most recent orders of my government, the time for informing and warning neutrals and friends to retire, only from the ports comprehended in the blockade, has expired. This attentive measure has taken place already, and still is put in practice with ships which have not entered into the aforesaid ports. Towards the conclusion of the very respectable note from your excellency, you inform me that, in the six weeks you have been off this coast, no armed ship has appeared to enforce the law, which, in the name of my government, I have exhibited to your excellency, excepting the brig and schooner which I have the honor of commanding, now anchored in this port, &c. Waiving a discussion in reply to this penultimate of your excellency, I shall limit myself to the present case, which, conformably to the reasons already exhibited, gives me sufficient grounds to reclaim, through your excellency, what was stated on the 10th, and repeated on the 11th, regretting that it is not in my power to offer any other terms, on the present day, than the requisitions proposed in my communication of the 11th. You terminate your note by informing me that eight days after your arrival at Arica, an armed schooner presented herself as belonging to the patriots of Peru, yet without the flag which distinguishes our ships of war, and as the conduct of this armed schooner was irregular and equivocal, your excellency is persuaded that she was piratical; on which subject it only recurs to me to observe, that probably the armed schooner fulfilled the instructions of the government to which she was responsible.

Your most faithful and obedient servant,

(Signed) WILLIAM PRUNIER.

TO CHARLES STEWART, *commanding the Naval Forces of the U. S. in the Pacific Ocean, Ship Franklin, Quilca.*

[Translation.]

BELGRANO, *July* 13, 1822.

I have the honor of informing your excellency that the first days of my passage were attended by bad weather, in which (although inconsiderably) the sails and rigging of the Belgrano suffered. The 21st June, finding myself in the latitude of 25 degs. south, I stood off from shore, and the 22d, at 4 A. M., it carried away the foretop-mast, and the maintop-gallant-mast. The want of proper means to replace the first, made me supply its place with a maintop sail-yard, on which I set a top-gallant sail. The 23d I stood in shore above the Quebrader of Camarones, and with little sail and wind, I directed myself above Arica, whose port I recognized, and learnt that there were no vessels in the windward ports. I took the direction of Ylo, informing myself by the Huaneros, and had partial information that the ship of line Franklin, and two or three vessels more, had set out from Arica for Molliendo; that, having disembarked muskets (not exceeding 2,000) in the former port, they had gone to transact business in Molliendo and Quilca. Finding myself off the Morro de Sama, I saw at a distance, gave chase and registered, a whaler, from whom I purchased a top-mast, which, although not a proper one for this vessel, supplies the want without material difference. The 6th of July, the schooner Cruz joined me at Ylo, in whose neighborhood she had made the land, (some few days before,) and had on board Don Marianna Guzman, the bearer of some communications from Col. Lanza, and from his officers of the heights of La Paz, for his excellency the Protector, and produced his passports, that it appears were given him by his excellency in Lima, on 28th November, 1821. As those letters or communictions related to subjects important to the

service, I have thought fit to retain them, that they might be of use to his excellency the Protector, or the general who may be entrusted with the expedition which I presume will soon be in these seas. I gave orders to the captain of the schooner that he should follow me, with the object of recognizing the ports towards Quilca. In half an hour Col. Landa observed that we were keeping off Ylo, where he ought to disembark; he accompanied this verbal remonstrance by various representations should he not disembark: at last I determined and made towards Ylo, after having arranged that the schooner should follow on this night, and the following I disembarked, in Pochoca, the colonel, his horses, equipage and accompaniments, and afterwards took the course for this port, where I arrived on the 9th, at 9 A. M., and found anchored the Cruz, ship of the line Franklin, and the armed merchant ship Canton, of the United States, and the French ship Telegraph; of the last, the schooner had taken possession the night before, as it appeared she had disembarked effects on the coast according to the statement of her officers, and that her captain was in Arequipa. At the moment of anchoring I sent to call the commander of the schooner, who informed me of the occurrences with the French ship; and, moreover, that he was informed by the captain of the Canton, and by the commodore of the Franklin, that said Canton was a licensed ship, and conveyed articles and munitions, having a pendant like a ship-of-war, as by the more private information which he had, he was satisfied she was a merchant ship, and had sold her cargo.

I sent an official letter to the commodore observing to him this singularity, asking him for a formal declaration of the nature of the aforesaid Canton, anchored under the protection of his guns. I lay before your excellency the copies of the communications which, till now, these circumstances have produced. By the French ship I forward your excellency the person who returns from Col. Landa with the aforesaid communications, by which your excellency can inform yourself of the situation of the people in this direction. As my occupations do not permit me to enter into detail respecting the coast, I refer your excellency to the relation that, by mutual consent, Don Mariano Vidal (who goes on board) will make to his excellency the Protector, or, in his absence, to your excellency, from which source you will be informed equally of the conduct of the commodore with regard to the ship Canton, according as I am myself verbally informed by various persons.

May God preserve your excellency many years.

(Signed) WILLIAM PRUNIER.

To the illustrious Minister of War and Marine, Don THOMAS GUIDO.

It is a copy. VALDIVIESO.

Attested: H. G. WARD.

NEW YORK, *August* 23, 1825.

SIR: We have had the honor to receive your letter of the 15th instant, requesting one of our firm to repair to Washington to give evidence before the court-martial, now in session, in the case of Commodore Stewart. We regret that our necessary attention to our commercial concerns renders it very inconvenient for either of us to be absent from New York, at this moment, or it would give us pleasure to comply with the wishes of the government.

As some of the charges against Commodore Stewart refer to his conduct in relation the ship Canton, of which we were the owners, justice to ourselves seems to require that we should state, that when the Canton arrived at Valparaiso, from this port, Captain O'Sullivan, who was the master of said ship, and also the supercargo, informed us that he had sold the cargo at that place, to a Mr. E. Smith, and forwarded us an account of sales. After the sale of the cargo, Captain O'Sullivan informed us that he had chartered the ship to a Mr. Smith, at the rate of $3,500 per month, and forwarded us a copy of the charter party. If the Canton was, after this, employed either directly or indirectly, in smuggling, or in aiding the royalists against the patriots of South America, she has been so employed without our knowledge or approbation, or consent, and at a time when she was out of our control under the charter party. Mr. Ward went to the Pacific in order to see about the concerns of the Canton, and her cargo. He went on board of the Franklin, not in our service, where he remained until his return to this country. As we understand Mr. Ward is now at Washington, we presume he can give the court much more information upon the subject of the Canton and her cargo, than any member of our house could do, were he examined.

We cannot, however, but add, that all the cordage, sails, and other articles procured for the ship in the Pacific, and charged to us in our accounts with Captain O'Sullivan, as purchased and paid for by him—we never should justify or permit any captain of ours asking or receiving articles of the kind from a public ship of the United States, except in cases of extreme necessity, and paying for them, when it was impossible to procure them elsewhere.

We have understood that, at Valparaiso, the carpenters of the Franklin were employed in making some slight repairs to the Canton, it not being practicable, as we were informed, to procure a carpenter at that place. For the amount of this work we are charged by Captain O'Sullivan, as being paid to the carpenters of the Franklin; while at Rio Janeiro, application was made to a British frigate for a carpenter to do similar repairs, which was granted without the least hesitation, indeed, with the utmost politeness.

The account of sales of the cargo of the Canton, at Valparaiso, and the charter party with Mr. Smith, and the accounts furnished to us by Captain O'Sullivan, we will, with pleasure, forward to Washington, if you desire it. This would give all the information we possess in relation to the business. Any information in our power, we shall, at any time, cheerfully communicate to the government upon this, or upon any other subject, (being fully aware, however, that government cannot exact, as a right, the information we now offer,) and we regret that it is not in our power, at this time, for one of us to visit Washington, agreeably to your request.

We have the honor to be, sir, your humble servants,

(Signed) LE ROY, BAYARD & CO.

Hon. SAMUEL L. SOUTHARD, *Secretary of the Navy, Washington.*

NAVY DEPARTMENT, *August* 27, 1825.

I certify the within to be a correct copy of the original letter, on file in this Department.

(Signed) J. BOYLE.

QUILCA, *November* 5, 1822.

SIR: We, the undersigned, citizens of the United States, having been informed that it is the intention of Commodore Charles Stewart that the United States ship Franklin shall sail hence for Valparaiso very shortly, in which event our commercial interests, as well as those of other citizens of the United States in the interior of this country, and more particularly in Arequipa (amounting, at the lowest calculation, to about one million of dollars,) will be very much at stake on the arrival of the intended expedition from Lima against that city, which is now daily expected, do humbly request that Commodore Chas. Stewart will take into his most serious consideration the prejudice which may occur to the interests of his countrymen in this part of Peru by the removal of their present and only protecting force, and that Commodore Charles Stewart will, if it be not incompatible with the instructions he may have received from our government, allow the U. S. ship Franklin to remain at this port until the 1st of the ensuing month, as we at present anticipate that we shall, in that interval, have sufficient time to recover our aforesaid property.

We remain, most respectfully, Commodore Charles Stewart, your very humble servants,

(Signed) JOHN O'SULLIVAN.
ANTON & LOTTEN.
GEO. LITTLE.
HARRY PARSONS.
JOHN E. HERON.
ELIPHT. SMITH.

Commodore CHARLES STEWART, *Commander-in-Chief of the American Naval Forces in the Pacific.*

LIMA, *May* 2, 1824.

To Commodore Charles Stewart, commander-in-chief of the U. S. naval forces in the Pacific:

SIR: Impressed with a high sense of the zeal and ability you have manifested in the cause of your country during a period of twenty-six years of public service, the undersigned citizens of the United States, at present residing or transacting business in Lima, beg leave respectfully to express to you their sense of your conduct in the command on this coast. You are now about to leave. The duties you have had to perform have been no less arduous than various, from the peculiar situation of the countries to which your command extended. You arrived at a time when the revolutionary governments of Peru and Chili, intoxicated with success, and regardless of every principle of national law, preyed upon the unoffending neutral at will. By your firmness their rapacity was restrained, and by your skill their friendly relations, which our government is so anxious to maintain, has remained unimpaired. We are grateful to acknowledge the readiness with which you have at all times listened to the complaints or wishes of your countrymen, and the promptness with which you have afforded them all the protection your situation would permit.

With these feelings, which are as sincere on our part as they are well founded, we look with peculiar regret to your departure, and especially at this moment, when circumstances so strongly demand rather the increase than the diminution of force on this station. Within a few days an unauthorized blockade has been declared under the flag of a country which in reality has no longer any existence, and which, therefore, leaves us without the smallest hope of future reparation for any wrongs it may inflict upon us. The experience you have acquired during your long command in this ocean, and the imposing force of the Franklin, would doubtless be of the greatest utility to the distinguished officer who has come to succeed you, and your remaining here a very short period would greatly facilitate his future operations. With these views, and under the urgency of circumstances which have so recently arisen, we most earnestly hope that you may be induced to delay your departure for a short period, since by so doing the new danger that threatens the extinction of our commerce may in all probability be removed.

The amount of interest at stake, the distant position of our country, and the threatening evils to which we allude, all seem to us to require it, and we have therefore no doubt they will justify to our government your remaining a few weeks longer. Perhaps a few days only may dissipate the dangers that are gathering. You may, in this case, probably have the satisfaction of having contributed to save a large amount of property to your fellow citizens, of which, if they are despoiled, neither they nor their government have any power to look to for future compensation. Whatever may be your determination, we offer to you our most cordial wishes for your safe return to your country, where we feel satisfied you will receive the approbation from your government and fellow citizens which your long and efficient services so justly merit.

We have the honor to be, sir, your friends and fellow citizens,

(Signed)

WILLIAM H. CONCKLING.
JOHN C. GREEN.
SAMUEL ERWIN.
RUSSELL BALDWIN.
MOSES GIBBS.
JOS. JAMES.
JAMES BRADLEY.
J. M. SEBER.
NIXON & McCALL.
DANIEL W. COIT.
JOHN DONNELL.
CHAS. MANCHESTER.
A. H. BURROWS.
PERRY BOWERS.
WM. JOHNSON, JR.
HENRY L. DECOVEN.
HIRAM PUTNAM.
J. A. STEVENSON.
ROZMAN LAWRENCE.
JOS. McCOMB.
J. JONES.

Reply.

UNITED STATES SHIP FRANKLIN, *Callao Bay, May* 4, 1824.

GENTLEMEN: I have received the letter you did me the honor to address me on the 2d instant, and for which I beg leave to return you my thanks, while, at the same time, I assure you that the order to return with this ship to the United States is peremptory; but notwithstanding this circumstance, I would most cheerfully meet any new responsibility originating in that circumstance, particularly as all are aware of the great desire of the Executive Government of our country to afford to their fellow citizens, and their property, protection, which has been so repeatedly evinced by the adequate force they have constantly maintained in this sea, since its exposure to the vicissitudes of lawless depredations by those who acknowledge no rights but those of force and expediency; but the period having arrived in which a large portion of our crew, (already much diminished,) are entitled to their discharge, under the faith of our government, and which circumstance, in a very short time, might render this ship no longer serviceable, and incapacitate her from returning, I conceive it would be encountering too high a responsibility, and which the ultimate state of affairs in this quarter would not justify.

The good opinion you have been pleased to express, of my poor exertions and zeal, since I have been found serving under the flag of my country, merit my warmest gratitude, and at all times, and under all circumstances, I shall derive consolation from the circumstance that at least those of my fellow-citizens trading in and to these countries approbate the course I have pursued, and the protection I have endeavored to afford.

Accept, gentlemen, my best wishes for your health and prosperity, and a happy return to your country.

I have the honor to remain, very respectfully, your most obedient and humble servant,
(Signed) CHARLES STEWART.

TO MESSRS. NIXON & MCCALL, DAVID W. COBB, WILLIAM H. CONCKLING, JOHN C. GREEN, *and others.*

Mr. President and gentlemen of the court:

It must certainly be a subject of sincere congratulation to us all that this painful and interesting investigation approaches its conclusion. In its progress it has awakened the most various and agitating feelings; the enormity of the charges, the precision, as to time, place and circumstances, with which they were stated, and the tone of confidence they assumed, were calculated, on their first presentation, to alarm the most steadfast friends of the accused, and even to shake the constancy of his own firm mind, sustained as it was by the consciousness of absolute and entire rectitude; but, as the inquiry moved on, as the evidence gradually developed the facts of the case, as the charges and specifications fell, one after another, as they were successively touched by the wand of truth, every foreboding fear subsided, every anxious doubt was silenced, and the accused might look back with a proud but grateful satisfaction upon the course he had passed over, in which it is believed no eye can discover one motive he should blush to own, or one act he should desire to recall.

But even with the prospect of this happy and triumphant termination, the case excites some distressing reflections. It is difficult to imagine a spectacle more mortifying to professional pride, more afflictive to a generous spirit, than it has presented; an officer of the highest rank and longest service, whose name, familiar to the ear of his country, had hitherto been associated only with proud recollections, publicly accused of multiplied and varied transgressions, ruinous to his professional, degrading to his private character!

One circumstance only mitigates the pain of this reflection; the publicity which has been given to these charges, the unhesitating confidence with which they have been asserted, rendered the investigation necessary to the vindication of his own and his country's honor.

The government would have been deemed accessory to offences thus boldly imputed if they were not investigated; the accused himself might have been condemned by the malevolent or unthinking, as his innocence had not been manifest by a public trial. The investigation has indeed been minute, searching and severe, but candor requires him to admit that it has been frank and liberal; on his part I may be permitted to add that he has opposed no impediment to full inquiry, and that he has evinced an inclination to seek security only in his innocence.

It cannot have escaped your observation that the very facts specified to support the first charge of "unofficer-like conduct," are relied on in many instances to sustain the other charges of "disobedience of orders" and "neglect of duty." In other instances the same facts, by subdivision, or change of phraseology in stating them, form the subject of distinct specifications under the same charge. This is not mentioned in the spirit of complaint. Such a mode of preferring charges is usual and proper, and often indispensable to accommodate the accusation to the actual state of the proofs, drawn from numerous sources, unexposed until the trial. It produces, however, some inconvenience to the accused. It imposes on him the alternative of breaking the continuity and impairing the vigor of his defence by detached and partial explanations, and at the same time fatiguing the court by unavoidable repetitions; or of exposing himself to the suspicion of evading charges to which he does not formally and separately reply.

To this suspicion the accused ought not, in this instance, to be exposed. In the statement offered preparatory to the introduction of his proofs he has already noticed each specification, in the order of the prosecution, and apprised the court and the judge advocate, frankly and distinctly, of the matters on which he relied to repel them. He hopes, therefore, to be acquitted of all intentions to elude any specification, though his defence entirely disregards the order of their arrangement. The convenience of the court will be promoted, and the harmony and perspicuity of his explanations will be best preserved, by *generalizing* the offences imputed to him, by bringing into groups all the scattered facts applicable to each offence, and thus presenting in one connected view any circumstance which can influence the judgment of the court in deciding on his guilt or innocence. No part of the accusation on which the slightest evidence has been offered to his prejudice will be intentionally pretermitted. Thus generalized, the charges impute to Commodore Stewart *two kinds* of offence; one to foreign nations, by applying the naval force of the United States to prevent the governments of Chili and Peru from exercising their belligerent

rights, and to aid in the violation of their municipal laws; another, to his own government, by applying that force to subserve improper personal interest; and by numerous acts of maladministration in the internal police and discipline of his squadron.

Of these offences, the *first* in order and dignity is that alleged to have been committed against Chili and Peru; as to these governments there is scarcely any wrong that a naval commander could commit, which these charges do not impute to the accused. Their dignity, as independent nations, scorned and insulted; the exercise of their undeniable belligerent rights, to confiscate contraband trade, and to enforce blockade, opposed and prevented by terror, or by arms; their military expeditions frustrated and defeated by spies, (of whom he was the coadjutor and protector); their enemies supplied with military means; the obligations of neutrality (which the commander of an *American* squadron was specially bound to observe in favor of a people warring for their national *independence*) contemned and violated; these are high offences *against the law of nations* which Commodore Stewart is said to have committed toward Chili and Peru. As to their *internal* and *municipal* rights he is said to have stooped from his high station to become a smuggler, and to participate in the shameful gains of other violators of the revenue laws, aided by him in the perpetration of their frauds.

Before we enter on details, some preliminary matter must be noticed.

The situation of Commodore Stewart on his cruise in the Pacific was both novel and delicate. It was not the ordinary one of an executive officer entrusted with the arms of his government to be applied to a specific object, under prescribed circumstances and in a defined manner. To a certain extent he was invested with a different, and (if I may so express it,) diplomatic character; much was left to his judgment and discretion. His instructions informed him that he was "appointed to the command of the Franklin, destined to the Pacific ocean, for the purpose of protecting the commerce of the United States in that quarter of the world." He was "to ascertain whether the commerce of the United States had been molested by the cruising ships of either of the parties at war, and consult with the agent, Mr. Prevost, as to the causes of such molestation, and the best means of affording relief and protection to the citizens of the United States and their property."

The means placed under his control to attain these objects were the Franklin and the Dolphin. In all his operations he was specially instructed to remember what was due to the neutral situation of the United States.

That the dangers to which the lawful trade of neutrals was exposed were neither unfrequent in occurrence, inconsiderable in amount, or confined to the subjects of one nation, is proved, not only by the evidence now given, but attested by the acts of every nation whose commerce floated in those seas. England and France, as well as the United States, found it necessary to send there a naval force to protect their trade from the profligate rapacity which assailed it on land and sea, under the guise of belligerent seizure. Their policy was perhaps the same. They wished to maintain a neutral attitude in the civil war. England and the United States avowedly; France, it is possible, covertly, wished success to the revolutionary cause. One motive was common to all, a desire to open to commercial and manufacturing enterprise a vast theatre, which the jealous and exclusive spirit of colonial government had held closed against them. As to two of these powers, more noble and generous considerations mingled themselves with their commercial views; neither England nor the United States were indifferent to the moral and political improvement of South America, which would follow in the train of free and liberal institutions.

While each of these powers, therefore, threw its shield over its commerce in the Pacific, it certainly was not desired by either that actual force should be employed to protect it. That might commit their neutrality, if executed against the royalist party, and, if in their favor, might retard, or perhaps jeopard the revolutionary cause. Security to the citizens and trade was therefore hoped to be attainable, rather by moral than physical power, by the exhibition of a naval force adequate to repress outrages upon it, by either of the belligerents, rather than its actual employment.

If this were not the policy and design of the American government, sending a naval force into the Pacific was, to say the least of it, a ridiculous parade and idle expenditure. A minister or chargé des affaires would have been a more appropriate, safe, economical instrument to protect American commerce, than a naval squadron.

It was in this spirit Commodore Stewart conceived his instructions. His squadron was sent "for the purpose of protecting the commerce of this country in the Pacific:" but he was to give this protection by the most scrupulous respect for the rights of the belligerents. It remains to be seen, if in aught he has transgressed against them. The accusation to which your attention is first invited, is that respecting the intended capture of the Canton by the Peruvian cruiser Belgrano, which forms the subject of the third specification of the first charge, and the second specification of the second charge.

The fact charged is, that Commodore Stewart employed the naval force under his command in preventing the commander of the Peruvian brig Belgrano from enforcing the laws and instructions of his government, by taking and sending in for adjudication, an American ship called the Canton, detected in carrying on an illicit trade to the injury of said government. The motive ascribed to him for this employment of the naval force is, that he was concerned in the pecuniary profit of said illicit voyages and transactions of the aforesaid ship Canton.

The relation which Commodore Stewart bore to the Canton, her owners and captain, will be hereafter minutely examined, when other charges respecting that vessel come under review. It will suffice, now, to say that it is undeniably proved that "he was *not* concerned, directly or indirectly," in the pecuniary profits of any voyages or transactions of the Canton, either licit or illicit. His offence, whatever it may be, can therefore receive no aggravation from the base and interested motives which are gratuitously said to have stimulated him to its perpetration. There is no evidence applicable to this matter in the terms in which it is charged by the specification. The terms "illicit trade" apply only to that carried on in contravention of *municipal* regulations, and not to trade forbidden by the laws of nations, as being either contraband or with a blockaded port. Such is the meaning of these terms as fixed by mercantile usage and commercial law. In this sense the specification has used them, for the "illicit trade" in which the Canton is thereby said to have been detected, is represented to have been carried on against the *laws and instructions* of the existing *government* of *Peru*, and not against the public law. Now there is not even the slightest evidence that the commander of the Belgrano ever wished to seize the Canton under any pretext that she had violated the municipal laws of Peru, or any of its internal regulations. The only

occasion in which his wish to seize this vessel was even intimated, was while she was lying at Quilca, and then the *sole charge* against her was a violation of *blockade*. It is a settled and well-known principle in military, as well as civil courts, that a prosecution cannot be sustained by the proof of any other offence than the very one of which the prisoner is notified by the accusation. If Commodore Stewart chose to avail himself of this technical defence, he might then safely insist, that there is no proof of the matter charged, and that he is bound to give no answer to proofs which apply to a different matter for which he is not arraigned. But he disdains to shelter himself behind technical coverings. He will not purchase security at the price of honor; it is *reproach*, not *punishment*, he feels desirous to avert. He wishes, therefore, to be understood in this, and in every other part of the trial, as waiving every objection of a technical character, and consenting that his conduct be scrutinized by the court, though embraced by no specifications.

The transaction to which the specification is, perhaps, intended to apply, is alluded to in the testimony of Lieutenant Hunter, and is recorded in the correspondence between Commodore Stewart and Captain Prunier. I beg permission to offer you an epitome. In the month of July, 1822, the Peruvian brig-of-war, Belgrano, arrived off Quilca, at which port the Franklin, the ship Canton, and the French ship Telegraph, had been some time lying. Captain Prunier, who commanded the Belgrano, addressed a letter to Commodore Stewart, in which he stated that "he had observed the ship Canton using the pendant of a ship-of-war of the United States, anchored at the side of the ship of the line under his (Commodore Stewart's) command, and being informed by other means that said ship was only a merchantman, and transacting commercial business on the coast, he wished to know from Commodore Stewart if she was a ship-of-war, or not." It is proved by Lieut. Hammersley that the Canton was at that time anchored from the Franklin at the distance usual for vessels in port.

To this communication, Commodore Stewart replied, "that the Canton was a private vessel belonging to citizens of the United States. As to wearing a pendant, there was no law or practice of the United States prohibiting its use to private armed vessels belonging to North America."

On the next day Captain Prunier went on board the Franklin and handed Commodore Stewart a letter from himself. In this he stated that "from the nature of the instructions from his government, he had found sufficient motives to detain the Canton, and send her in to be disposed of by his government"—that "he had determined to do so on the morrow; but, Commodore Stewart being the representative of the government to which she belonged, he communicated it to him for his information." In this official letter, either by design or accident, no cause was assigned for the intended seizure. But the verbal remarks of Captain Prunier, as proved by Lieutenant Hunter, gave notice of them. In the subsequent correspondence they are distinctly avowed.

On the 1st of July Captain Prunier sent another letter to Commodore Stewart, in which, after referring to his former communication, and stating, that he had received no reply, he expressed a wish to have, immediately, Commodore Stewart's determination, in order, "if it were practicable, to reconcile it with the performance of his duties," On the same day Commodore Stewart wrote to Captain Prunier. Apprised by the several communications of that officer, that the pretext for her seizure was a breach of blockade by the Canton, and believing, for reasons which will hereafter be explained, that he ought not to suffer her to be seized on that pretext, he informed Captain Prunier that "he had been sent into that sea to protect the citizens of the United States, and their property, in all their lawful pursuits; and as the Canton had done no act contrary to the laws of nations, Captain Prunier could have no legal pretext for interfering with her; that she was entitled to protection, and would be defended, as property of citizens of the United States." In his reply to that letter, Captain Prunier, openly and officially, stated among other matters, "that the free government of Peru had formally declared the coast of Peru under a vigorous blockade from the 15th to the 22d degree of south latitude," and the violations of that blockade, by trading at Arica, Molliendo and Quilca, were assigned as the offences for which he desired to seize the Canton. The commodore, waiving the inquiry if the blockade itself was not illegal, replied, "that the Peruvian government had omitted to comply with the first and most essential requisite which constitutes a legitimate blockade, to wit, stationing a competent force to prevent the entrance of neutrals, and to warn them away in the first instance."

Had the Canton been found by Commodore Stewart in the actual possession of Captain Prunier, or, had that officer, without any communication of his intentions and reasons, taken possession of the Canton in the port of Quilca, on the charge of breach of blockade, Commodore S., though satisfied of her innocence, ought to have deliberated seriously before he retook her by force. Forcible opposition to belligerent seizure, or forcible recapture, are forbidden by the laws of nations, even by a private neutral; the offence is greatly aggravated if the force be applied by a national ship, for that tends directly to war with the neutral government to which she belongs. The repose of the world requires the neutral, however innocent, to submit to the capture. The comity of nations presumes, that the prize court will impartially decide on the propriety of the seizure, and if it prove illegal, will restore the property, and indemnify the neutral for all injury sustained. The government of the belligerent stands responsible for the flagrant injustice of its courts. Whether that principle applies to a people not recognized as independent, not yet admitted into the society of nations, and, therefore, presenting no government responsible to foreign nations; and, if applicable, how far it was modified by Commodore Stewart's instructions, and the circumstances under which he was sent on that duty, or by the known profligacy of public and private citizens of both belligerents, (who affected to detect crime wherever they could discover spoil,) or by the consideration that in a moment of revolution, of great personal exasperation, and of much public necessity, the prize court, yet green and inexperienced in the knowledge and application of public law, could not be expected to deny, by their sentence, the legality of a blockade ordered by their own government; all these considerations would merit your most serious thought, had this been a recapture by Commodore Stewart. It is probable, however, that, even then, it would have been found the duty of Commodore Stewart to dispossess Captain Prunier of his spoil.

Such, however, was not the state of things. Captain Prunier thought proper to premonish Com. Stewart of his intention and his reasons, and to express his wish "to reconcile Com. Stewart's determination with *his duties* to *his own* government." The silent acquiescence of Com. Stewart would have amounted to a tacit permission to make the seizure; and, consequently, to an implied admission of the legality of the blockade. But it did not suit the views of Capt. Prunier and his government, that the propriety of the seizure, and the legality of the blockade, should rest on tacit admission. With indecorous

haste, he pressed Com. Stewart for a written reply. No alternative was left him, appealed to as "the representative of his government," but either formally to authorize the seizure, and as formally to admit the lawfulness of the blockade; or, referring, as he did, to his instructions, to express his determination to protect the Canton "in her *lawful* pursuits," and to deny the validity of the paper blockade, which she was said to have violated.

The correctness of his determination upon this subject calls for our admiration, and not our reproach. During twenty-seven years of naval services, his hand has been more familiar with the sword than with the pen. The quarter deck, not the closet, has been the scene of his employment. His meditations have been occupied by those high musings which fit the mind to conceive and to execute acts of chivalrous and daring valor, and not in the abstractions of legal science on the subtile disquisitions of Puffendorff and Grotius, and Vattel. His determination is believed to have been exactly such as the law of nations warranted and his duty to his government enjoined. And, I venture to predict, that the manner in which he maintained the neutral rights of his country in his correspondence with the royal and patriot governments, will be both admired for its ability, and sanctioned for its correctness.

The blockade was declared by San Martin in ————, after he had expelled the royalists from Lima, and taken possession of the capital of Peru. It was a blockade by latitude, and comprehends, as you have seen, a coast of eight hundred miles. The maritime force of Peru at that time consisted of two brigs and two schooners, and but a small portion of that puny force was employed in the actual enforcement of the blockade; not one of them had been seen by the squadron until the arrival of the Belgrano. Had the government of Peru a right, by this sweeping prohibition, sustained by so inconsiderable a force, to interdict the trade of neutrals with so extensive and rich a region? On such a pretext, should Com. Stewart have given up the commerce of his country as spoil?

No branch of public law is better defined, or more generally understood, than that of blockade. The general doctrines are recognized by all civilized powers, whatever occasional infractions necessity or injustice have made on it. In the protracted and deadly wars, which, in our days, have convulsed Europe, neutral rights have been assailed by every mode of belligerent annoyance. By none has it been more threatened, than by schemes of blockade, professing to distress the enemy, but often intended to rob friends. By no nation has the injustice of these measures been more severely felt than by our own.

While our policy continues, as it heretofore most wisely has been, peaceful and neutral, no nation is so deeply interested in restraining the right of blockade within its proper limits, and denying the validity of mere paper blockades, which affect to maintain by proclamation and the stroke of the pen, what the laws of nations allow to be attained by arms and actual investment. From a recent elementary work of great respectability, (Chitty's Laws of Nations, pp. 128, 131,) I beg leave to state the established doctrine. The court may test its accuracy by consulting the original authorities cited in it.

"If," says Vattel, "I lay siege to a place, or simply blockade it, I have a right to hinder any one from entering, and to treat as an enemy whosoever attempts to enter the place, or carry anything to the besieged, without my leave; for he opposes my undertaking, and may contribute to the miscarriage of it, and this involves me in all the misfortunes of an unsuccessful war.

"Clear, however, and indisputable as this right is, just and necessary as is the exercise of it, it cannot be denied but that it is one of the most severe and harsh in its operation of any that is inscribed in the whole code of public law. It is under this impression that tribunals of the law of nations, before they have enforced the provisions of a blockade, have uniformly required it to be established by clear and unequivocal evidence; first, that the party proceeded against has had due notice of the existence of the blockade; and secondly, that the squadron alloted for its execution was fully competent to cut off all communications with the interdicted port. These points have been deemed so indispensably requisite to the existence of a legal blockade, that the failure of either of them has been held to amount to an entire defeasance of the measure, and this even in cases where the notification of it has issued immediately from the fountain of supreme authority. The blockade must not only have been declared by competent authority, but must be also an actually existing blockade. A blockade is then only to be considered as actually existing, when there is a force to enforce it. The very notion of a complete blockade, said Sir William Scott, in the case of the Steel, "includes that the besieging force can apply its power to every point of the blockaded state. If it cannot, there is no blockade of that part where its power cannot be brought to bear."

But Commodore Stewart was apprised of the opinion of his government in relation to such a blockade. Some time before he sailed, Chili had declared a blockade that had a greater show of lawfulness; for Chili had a respectable fleet, under Lord Cochrane, to enforce it. It was, however, deemed illegal on account of its extent, and the want of an adequate and permanent force to sustain it. The instructions to Commodore Stewart prove this. The language of the Secretary of State in his instructions to Mr. Forbes, commercial agent at Buenos Ayres, is, if possible, more explicit.

Extract of a letter from Mr. Adams to I. M. Forbes, dated July 6, 1820:

"The allegation of Lord Cochrane, that there had been on the part of the Gazelle a breach of blockade, is fully repelled in the memorial. It appears by a letter from Mr. Prevost of 16th May, 1819, that he had remonstrated with the government against this paper blockade of Lord Cochrane. He says the subject was met with great frankness, and all claim of forfeiture for any infraction disavowed, as to any place where no actual force was employed, and the form preserved only to deter unfriendly neutrals from entering for the purpose of carrying information. His disavowal was but partially satisfactory. A paper blockade of fifty degrees of latitude or a thousand leagues of coast, is illegal throughout its whole extent, even for the ports which may be in actual blockade; otherwise every capture under a notified blockade would be legal, because the capture itself would be proof of the blockading force. Lord Cochrane's notification was not of a lawful blockade; nor has a permanent force been kept before any one port under it, which could have made it a legal blockade, had it been limited to that single port. Nothing can be more clear than that the capture of no part of the property in question can be justified upon the plea of a broken blockade."

This Chilian blockade had been abandoned before the arrival of the Franklin in the Pacific. But why urge this defence? In respect to this very blockade which Captain Prunier wished Commodore Stewart to respect, the opinion of the Government of the United States has since been expressed. It is in absolute harmony with that of Commodore Stewart, and in entire justification of the act which is to-day imputed to him as an offence.

The Secretary of State in his letter to Mr. I. B. Prevost, at Lima, dated December 16, 1822, says: "There is another point of great and permanent importance to the interests of the United States involved in these transactions. In the letter from Captain Prunier to Captain Stewart, declaring his disposition to take possession of the Canton, for the purpose of carrying her into port for adjudication, he alleges *not* that muskets had been landed from her at Arica, but that 'she had traded at certain ports between the 15th and 22d degrees of south latitude,' contrary to a proclamation or paper blockade of the Peruvian government. This was the only fact alleged by Captain Prunier for his intention to take the Canton; the only allegation upon which Captain Stewart had then to decide whether he would protect her from capture or not. Now the very charge, that the Canton 'had traded' at the intermediate ports, carried on its face the proof that there had been no force stationed before those ports to intercept the trade; and under such an allegation Captain Stewart could not have submitted to see the Canton captured under the very guns of his ship, without formally admitting thereby the validity of the blockade in its most licentious extent. The President considers a blockade by degrees of latitude as unlawful, not only in its general extent, but for every port and spot included within it. Were it otherwise, the mere fact of capture would legalize in any point within the limits of the proclamation that which would be unlawful upon every other point. The proclamation is the notice to neutrals of the blockade; and the blockade of the proclamation must be precisely the same as the blockade in fact, else the whole is unlawful, and neutrals are not bound by it. This principle is too important to be surrendered to any belligerent party, however favorably disposed we may be to his cause, for we cannot concede it to him without yielding it alike to his enemy. You will distinctly declare this to the Peruvian minister of state, to be the deliberate sense of the Government of the United States."

Let me appeal then to your coolest judgment: Ought Commodore Stewart to have consented to the capture of the Canton by the Belgrano, and thereby legalized a blockade which would have subjected all the American commerce in those seas, amounting to many millions of dollars, to certain and immediate confiscation? Would he not have contravened the known opinions of his government, impaired the established rights of neutral nations, and become an accessory to the spoil of that very commerce he was sent to protect?

Another violation of public law is imputed to him by the 1st specification of the 1st and 2d charge. They assert that "he aided and assisted the American vessels Canton and Pearl, the English brig Sarah, and the French ship Telegraph, and other vessels in carrying on a contraband trade with certain ports called the Intermedios, and in transporting and landing arms, military stores, and other contraband articles, and protecting the said vessels from the consequences of such illegal traffic, by employing, and threatening to employ, the naval force of the United States in their defence."

As to the British vessel Sarah, and the French ship Telegraph, there is not a shadow of proof that they were engaged in any illicit or contraband trade with the Intermedios; had their guilt been established, it could in no manner affect the accused; for it is absolutely certain from the testimony before you, that they received neither countenance, convoy, nor protection from the United States ships. On the few occasions in which these vessels were in sight of the United States ships at sea, the meeting was purely accidental, and their continuance together brief. On the only occasion in which they were in port together, the Sarah had no cargo of any sort, and the Telegraph was actually captured by the consort of the Belgrano, while lying within three hundred yards of the Franklin, and carried away by the captors without the slightest remonstrance or interference by Commodore Stewart. Yet he is charged with "employing or threatening to employ the naval forces of the United States in her defence."

What vessels are intended to be comprehended by the description of "other vessels" is unknown; no evidence applies to any such. This part of the accusation must fail.

As to the Pearl, her history may be briefly given. She was an American vessel, armed in Boston; the first knowledge we have of her is at Valparaiso, where she arrived in the month of May, 1822, on her way to the Sandwich Islands. She had on board the frames and materials of three small vessels, intended to be employed in the trade of the Sandwich Islands and the northwest coast; and some arms, which every one knows constitute an essential article of commerce on that coast. It is in positive proof that she did not carry on any contraband or other trade with the Intermedios; but, after touching at Arica, proceeded on her original destination, to the northwest coast. So scrupulous was Commodore Stewart that this vessel, known by him to have contraband articles on board, should give no just cause of complaint to the Peruvian government, that, before her departure from Arica, he sent two officers on board, to search her, and to see that no portion of the arms had been landed at Arica. Refer to the evidence of Lieutenants Hunter and Hammersley, and you will find that not a single musket was landed; but all the arms which the Pearl brought into the Pacific were actually on board when she left the Intermedios for the northwest coast.

It is true that the Pearl left Valparaiso about the time the Franklin did, and was generally in sight until her arrival in Arica. That her master should desire to obtain all the security which the neighborhood of the United States naval force could afford, will not excite surprise, when you recollect the system of buccaneering then in active operation in those seas. Had she been fallen in with, experience had taught him that the innocence of her trade and her actual destination to the northwest coast would not have protected her from confiscation. But it is proved by Lieutenants Hammersley and Ogden that convoy was refused by Commodore S. from Valparaiso, because she had arms on board; and that her security and motions were consulted in no one movement of the Franklin. Commodore S. had neither the right nor the power to prevent the Pearl from pursuing her voyage at a distance, and without co-operation of the Franklin.

As to the Canton, so far as the specification imputes to her "contraband trade," it wants support by any particle of evidence. The court will be pleased to bear in mind that "contraband" consists in such articles as *minister to war*, and which the law of nations inhibits a neutral to furnish to either belligerent under penalty of confiscation. No such articles were on board the Canton. However criminal might have been the traffic carried on by that ship with the Intermedios, it was not, as the specification charges, "contraband." Commodore Stewart therefore could, by no possibility, have employed or "threatened to employ" his squadron to defend her from the penalties of a transgression never committed. His guilt in defending her in violating the revenue laws of Peru, will be noticed in its proper place. It is imputed to him that he himself engaged in contraband trade, and even employed the Franklin in its transportation.

The fifteenth specification of the first charge asserts "that he took on board and carried in the Franklin, from Valparaiso to Quilca, horses with their equipments for the use of General Canterac, or some other royalist officer, thus furnishing aid and assistance to the one party in a military contest, in violation of the duties of a neutral officer."

This charge is conceived in the true spirit of a demagogue, who seeks to array the prejudice of the judge against the person whom he accuses. Had it suited his purpose he might have charged, with equal propriety, that the accused had carried horses from Valparaiso to Lima for the use of San Martin, or some other patriot officer. Both imputations would, indeed, have been unfounded, but at least, it would have borne a seeming of impartiality, and protected Commodore Stewart from suspicion of aiding the regal against the patriot cause. But he was not with the dead—the grave closes on all resentments. In the exasperation of the rival parties it was impossible to avoid unfounded suspicions of partiality. The best refutation will be found in the correspondence of Commodore Stewart with the royal and patriot chiefs, now before you. The tone of his communications to the Viceroy and his officers will refute every imputation of favoring the royal cause.

There were carried at different times in the Franklin from Valparaiso five horses. Mrs Stewart, with her children, accompanied her husband in his voyage to the Pacific. For their accommodation on shore during this long absence, he carried with him his carriage and coachman. On his first arrival at Valparaiso he procured a pair of carriage horses. While on shore at Quilca, Mrs. Stewart was presented by a lady with a pony, of which she had the use at that place. These three horses were carried in the Franklin to Lima, there landed, and afterwards impressed by the patriots.

On his second voyage from Valparaiso three other horses were taken on board, openly, and from the navy yard—as proved by Mr. Hunter; one for Commodore Stewart's use, one designed as a present for Mr. Cotera, (a Spanish merchant who had, on a former voyage, offered polite attentions and made a present to Mrs. Stewart,) the third was the property of Mr. Smith. At Quilca Commodore Stewart presented to Mr. Cotera the horse designed for him. Mr. Smith landed his own, and what was done with him is unknown.

This is the simple state of the transaction proved by the evidence, and this act of personal courtesy to a Spanish merchant has been made to assume the hue of a high offence against the law of nations, and against our natural prejudices, by torturing it into military aid furnished to a royalist general.

It is true that Lieutenant Ogden thinks he afterwards saw a horse in General Canterac's camp which he supposed to be one of those landed at Quilca. Waiving all questions of identity, and all inquiry whether the horse was that landed by Mr. Smith or Commodore Stewart, or whether it was in possession of General Canterac, or some other person; the court will remember that the horse mentioned by Mr. Ogden was near Lima, a distance of —— miles from Quilca, where it was landed—was seen months after the landing, &c. Above all, as the same gentleman proved that General Canterac was not at Quilca when the horse was landed by Commodore Stewart, a candid mind would have no difficulty in believing that, by the transfer of the animal through various hands, it is probable impressment for military purposes, (as was the practice with both parties) and in various other ways, a sufficient explanation might be found of its being in General Canterac's camp, without resorting to the suspicion against Commodore Stewart, conveyed by the accusation.

And what motive, I pray you, could Commodore S. have to conceal the fact, if he had presented this horse to General Canterac, or any other royal general? Horses, unless accompanied by military equipments, are not contraband of war, but may lawfully be conveyed by a neutral to a belligerent. So say all the jurists, and many treaties. And even if so equipped, the understanding which believes the law of nations forbade Commodore Stewart to present a single caparisoned horse to a royal general, is not less contracted than the heart which confounds an offering of personal compliment with military aid. Arms and ammunition are always contraband; but we should pity the weakness which could imagine that the commander of a naval squadron could not present an officer in the Spanish or patriot army with a handsome sword, or a pair of pistols, with a pound of fulminating powder, without the imputation of a breach of neutrality.

One other alleged breach of neutrality remains to be noticed. This "is the unkindest cut of all." No offence is too vile and base to be imputed to him. By the 7th specification of the 2d charge, he is accused of "carrying from Callao to the ports of the Intermedios, sometime between the 13th May and 15th July, 1822, intelligence of a contemplated military expedition, prepared by the patriot government of Peru, against the Intermedios, and thereby exposing the same to defeat and destruction." And, lest this should not suffice to degrade him, he is also charged with being the abettor and coadjutor of others engaged in a system of *espionage*. By the 8th specification of the same charge, he is said to have received on board "the Franklin and other vessels under his command, within the jurisdiction of Peru, certain persons, who, by the laws of said government, were obnoxious to capture and punishment—spies and officers in the royal army—and protecting their persons from seizure and punishment; in particular, an individual by the name of *Madrid*, an officer in the royal army, and a spy in Lima, and the director, or late director, of the mint."

So far as *personal* agency in this system of *espionage* is attributed to Commodore Stewart, the accusation is a wanton and inexcusable outrage on his character and feelings. Nothing has occured, certainly nothing appears, in any part of the evidence, to give even the semblance of suspicion that he personally participated in such communications. The failure of the expedition is to be ascribed to its own intrinsic defects in preparation and arrangement, which could not escape the observation of one accustomed to ponder on the aptitude of means to attain a military result. In his letter of the ——— to his own government, he pointed out the want of proper arrangement, and, with prophetic spirit, foretold the failure which ensued. No one knew better than he who communicated to the government the matter of this charge, the inherent vice of the expedition, and the causes of its failure. Peace to his remains!

What persons, other than *Madrid*, and the director of the mint, were intended to be embraced by the expression "certain persons," nothing, either in the proof or charges, show. No hing, therefore, need be answered to that part of the charge.

It is utterly untrue that the director of the mint was "received on board the Franklin," or "any other vessel under" her command. Whether this director was "obnoxious to capture" as a spy, "or a

royalist officer," is neither proved nor known. One thing, however, is certain—that he went on board the Franklin at Callao with a very large sum of money, which he wished to deposit on board the ship; but it is as certain (notwithstanding the great temptation to the avarice which is said to have led him to the perpetration of so many daring and so many contemptible crimes,) that Commodore Stewart refused to receive either the director or his money, on the ground that it was the property of one of the belligerents. Both went on shore again, and if the director of the mint was "obnoxious to seizure and punishment," the authorities of Peru had an opportunity to seize and punish him. The openness with which he came on board, and returned, rendered it improbable that he was exposed to such danger as the charge expressed. Turn to the evidence of Lieutenant ———, and this will be made manifest.

It is true that a man by the name of *Madrid* did go on board the Franklin, in the month of ———, 1822, at Callao; went in her to Quilca, a port of the Intermedios, and there landed about ——— days after the arrival of the Franklin in that port; that this man, about two years afterwards, was an officer in the royal army, appears extremely probable. What was his rank, and whether he entered the army after his arrival at Quilca, or before he left Callao, are matters altogether of conjecture. That he was "a spy" is neither proved nor reconcilable with his actual situation at Callao—with his remaining on board the Franklin several days after his arrival at Quilca, where he was to disburthen himself of intelligence—nor with the indigent and obscure situation in which he is proved to have been sometime after his landing at Quilca, then in possession of the royalists; that no intelligence conveyed by him "of the contemplated military expedition prepared by the patriot government against the Intermedios, exposed it to defeat," appears from the evidence of Lieutenant ———, who testifies that the notice of that expedition had been received at Quilca before the Franklin arrived there.

But, had all these matters been as the specification stated them, still Commodore Stewart could not be guilty, under the specification, unless he "*received*," or *permitted* Madrid to be received on board. The charge, by its very terms, presupposes the knowledge and consent of Commodore Stewart; nor, indeed, is it easy to discover how crime (which cannot exist unless "the will avouch the deed,") can be committed without knowledge or consciousness. The rules of law do not permit the person by whom he was received on board to testify, in this case, as to the manner and motives of his reception. On the trial of Lieutenant Hunter, all these are detailed with frankness and precision by Mrs. Stewart herself. But the evidence offered now does distinctly prove that he was received on board by Mrs. Stewart—cautiously concealed from the commodore's eye, and that he had no knowledge that such person had ever been on board until twelve months afterwards; and when, *two years after*, this man, accompanied by another Spanish officer and an interpreter, were on board the ship, (probably to return his acknowledgments to Mrs. Stewart,) it is proved, by Lieut. Ogden, that Commodore Stewart then for the first time saw him, and when informed that he was the person who had been on board, turned from him with silent scorn, (the only notice he could then take of it,) and left him and his companion on deck, unattended to, and retired to his cabin. The mingled sensibility of a husband and an officer, displayed in his letter to the Secretary of the Navy, as soon as he was informed of the fact, furnish such intrinsic evidence of his want of participation, as no one, accustomed to examine the operations of the human mind, can mistake or disbelieve.

For the justification of the accused not one word more is needful. But his counsel would not satisfy their own feelings if they permitted folly or malice to tinge with their sombre coloring a transaction in which every generous eye will find much to admire. The true history of the transaction is, that this man went on board after the ship was under way, leaving the port of Callao. He bore a letter to Mrs. Stewart from a lady of high distinction and character in Callao, urgently soliciting a passage for him. At first she declined the application, but he urged her with supplications and tears; stated that his return to the shore would expose him to certain death; and invoked her protection with that overpowering eloquence which actual misery always commands. Had she reasoned at all, she could not have believed that a great State offender lurked under the humble habiliments of the man before her. She could not have believed that a spy had been recommended to her courtesy by a lady of the first distinction among the patriots. She would probably have ascribed his danger to that exasperation which, in moments of revolution, converts suspicion into proof, and deems a difference of political opinion the highest of all possible crimes. But there are moments when the heart does not await the slow processes of the head; it feels and decides promptly. Mrs. Stewart probably did not reason at all. She saw before her an unhappy wretch who asked protection, and she gave it. If she forgot for a moment what was due to the discipline of a man-of-war, it was because she remembered what was due to humanity. She was indiscreet, if you please, in receiving Madrid on board without the knowledge of her husband; but when that had been done, she best consulted his honor in keeping him ignorant of what could no longer be remedied, and subjecting herself, rather than him, to censure. The American people will rejoice to perceive that, if her sons are heroic, her daughters are feeling and generous.

Besides these contraventions of *public law*, many breaches of the *municipal* regulations of the royal government of Peru are ascribed to Commodore Stewart. By the second specification of the first charge it is said "he sailed in the Franklin, in June or July, 1822, to the ports called the Intermedios, for the purpose of aiding in private and illicit traffic, with a view to his private emolument." The 6th and 7th specifications of the same charge, and the fourth and fifth specifications of the second charge, impute to him that "he lent aid and countenance to the violators of the revenue laws of Peru, by permitting and aiding sundry persons in carrying from the shore coin, bullion, and plata pina, and other articles, contrary to the laws of the said government, without the permission, authority, or consent of the custom house officers and local authorities; and to deposit the said articles so smuggled on board the public vessels of the United States; and that he permitted such articles, designed to be transported from Peru, in violation of the laws of that country, clandestinely, at night, to be brought on board the public vessels under his command, and in transporting said articles at sea, out of the control or reach of the authorities on shore, to certain vessels bound to distant ports, after such vessels had undergone the examination of the custom house officers, such transportation being without the authority, or permission, or knowledge of said officers, but designed as a fraud upon and a contravention of the laws of Peru."

That a breach of the revenue laws, by *landing any article*, was committed by any of the United States ships, or by any vessel with their aid or countenance, there is no room to suspect. The vessels enumerated in other specifications, as connected with the Franklin, are the Sarah, the Telegraph, the Pearl, and the Canton. The first had no cargo; the second was captured by the Peruvian vessel-of-war in open day;

after having landed a part of her cargo; the Pearl landed nothing, as has been shown already; and with each of these it has been proved that Commodore Stewart had no co-operation whatever.

The Canton, it is true, did land articles, both at Arica and Quilca, without any aid from the national ships, either in men or boats, as is proved by Lieut. Hunter and others.

The articles were those of peaceful commerce, and not contraband of war. The duties were paid, as is proved undeniably by Mr. Smith and others, and the articles deposited in the custom house stores, as is proved by Mr. Smith.

It has never been denied that the Franklin and other United States ships did take on board specie and bullion, or plata pina, on deposit and for transportation. But it was done in every instance with the knowledge and permission of the revenue officers; lawfully, and not in fraud of the revenue laws of Peru, or the laws of this nation. The testimony of Lieut. Henry places this beyond doubt. There is no insinuation or proof that any articles of merchandise were taken on board against the laws of Peru or Chili.

To you, sirs, it is needless to vindicate the right of the commander of an American ship-of-war to take specie and bullion on board; but there seems to be a strange misconception on the subject throughout the nation. It is indeed known that the practice exists both in the American and British navy. But it is generally believed that it rests on usage alone; and its policy and correctuess is questioned by many. But to you, sirs, it is known that it is expressly authorized by the act of Congress establishing rules and regulations for the navy. The recent inquiry in the case of Commodore Porter will, it is hoped, leave the legality of this practice no longer doubtful. Till the law be repealed, no reproach can attach to the officers acting under it.

But though the laws permitted Commodore Stewart and the commanders under him to receive specie and bullion on board the public ships, still he is guilty if it was taken on board "in fraud and violation of the revenue laws of Peru."

That the laws of that country did not absolutely prohibit the exportation, is distinctly shown. Exportation was allowed and duties fixed. The supposed fraud in the shipment is attempted to be inferred from the times and places of the shipment. They were chiefly in the night, and at points distant several miles from the places where the Franklin lay. This circumstance would indeed justify suspicion in a settled government like our own, with an organized custom house system, where check upon check exists on our public officers, where regular written permits are necessary, and official copies of them may always be obtained, and shipments can be made nowhere but at places designated by law. But they justify no suspicion when the actual state of that country is considered. At all times their custom house system was left much to the personal guidance of the officers. The presence of an officer stood in lieu of a permit, and exportation was confined to no particular places. The ordinary observances were less rigidly maintained at that time, when all law was relaxed, and property near the coast was exposed to double risk, from rovers of the sea and robbers of the shore. It was brought from the interior in open day, by large caravans of mules, occupying several days on the route. Those who designed to ship it generally concerted the time and place of its arrival, so as to expose it when near the coast to as little chance of plunder as possible, and it was embarked as soon as it reached the coast, and deposited on board ship for safety.

I refer you to the testimony of Lieutenant Henry and Midshipman Hopkinson and Mr. Smith, to show that custom house officers superintended the shipments, and fixed the place of receiving it, though the shipments were made in the night: and what is decisive proof that the circumstance was neither illegal nor unauthorized by the government, is the letter of Commodore Stewart to the sub-delegate at Quilca:

U. S. Ship Franklin, *off Quilca, June* 26, 1822.

To his excellency Don Jose de Panera, sub-delegate, &c.:

Sir: Mr. Eliphalet Smith has apprised me that a number of mules laden with specie and bullion is on its way to the coast from Arequipa, for embarkation on board this ship. As he wishes it immediately embarked on its reaching its point of destination on the coast, and has requested the boats to be sent from this ship for that purpose, and it may probably arrive in the night, may I ask the favor of your excellency to give such directions to the guards as will prevent their mistaking the boats for those of the patriots.

I have the honor to remain, &c.

Evidence has been given showing that in some instances money was brought on board the Franklin concealed about the persons of those who brought it. In no instance was this ever known to Commodore Stewart, but one, mentioned by Lieutenant Ogden. But he also testifies that Commodore Stewart, seeing the manner in which it had been concealed, refused to receive the money, and turned out of the ship the person who brought it.

The only vessel to which specie was transported from the Franklin, or other public vessel, under circumstances at all questionable, is the Cora. The witnesses speaking of the transaction are Lieutenants Goldsborough and Hunter. By the latter it is shown that it was money belonging to citizens of the United States; that it was sent to the Cora in open day, but the captain of the Cora was not ready to receive it at that time; that the captain called for it in the night, being about to sail, and then received it.

Many innocent reasons may be imagined why the Cora should have sailed in the night—the state of the wind or tide, or the desire to get clear of picaroons on the coast; or, if you please, the whim of the captain. But surely there is nothing so singular in a vessel's leaving an open roadstead, in a night so light that her name was legible on her stern, as shall justify suspicion of the accused.

The money was sent to her when she was about to sail; a guard boat came alongside, but experienced no interruption from the United States officer. Commodore Stewart's innocence of all impropriety is evinced by the inquiry which he instituted on the application of the custom house officer on the next day. That no censure on any one was merited by that transaction, is reasonably to be inferred, as the explanation given to the boarding officer of the customs was entirely satisfactory to him.

Every wrong said to have been committed on the *belligerent* or internal rights of Peru and Chili has now been noticed. How facts have been magnified and distorted so as to give to petty and innocent occurrences the air of intentional and gross violations of sovereign right, or of fraud upon the revenue, you

have seen. It will not, however, excite surprise, when the inflamed passions of both the combatants, the suspicious fears of one, the unreasonable expectations of the other, are taken into account. Captain Biddle explained it in a few words. The royalists were suspicious because they knew our national sympathy for the patriots; the patriots unreasonable in their demands upon that sympathy. To escape from complaints by each, was impossible. It is no slight proof that Commodore Stewart held the scales of neutrality with a steady and impartial hand, that each party accused him of inclining it in favor of his adversary.

His correspondence with both governments, now in your possession, will evince that neither prepossession nor prejudice influenced his official conduct; but that his measures were such as public law and the instructions from his government prescribed to a neutral commander. The charges which remain to be answered grow out of the relation in which Commodore Stewart stood to his own government and laws. These he is said to have offended in various modes enumerated in a multitude of specifications. Many of these I am happily relieved from all necessity to refute.

One (that which charges him with neglect of duty in not bringing Captain Conner to trial, on the application of Lieut. Sawyer,) has been impliedly waived, no evidence being offered to sustain it. Another, (for permitting Mr. Smith to be transported in the Dolphin, with merchandise for sale on private account, allowing him to employ a national vessel to sell or display merchandise for sale,) was openly abandoned by the judge advocate.

Others, respecting the employment of the carpenters and others attached to the Franklin in working on board, &c., for other vessels; receiving passengers on board the Franklin, or transporting them gratuitously to the places where the ship was bound; the employment of Mr. Smith in carrying dispatches and performing other duties properly appertaining to officers; allowing the purser to send on shore, for sale, clothing and other articles brought out for the officers; the purchase of canvas and other articles for the Canton; the transportation of sails and money in the Dolphin to the Canton, at Guayaquil; the omission to have the crew properly exercised, and the guns in proper order; all these are so undeniably proved to be utterly false in the principle, or unfounded in the facts relied on to sustain them, that farther comment would be impertinent.

As to the petty frauds and despicable peculations imputed by some of the specifications, I could not advert to them, especially in a tone of grave refutation, without offending every honorable mind. It is humiliating to reflect that for such matters, some untrue, some unheard of by the accused till his trial, others magnified, all innocent, a man who has been honored by a vote of national thanks for illustrious service should have been exposed to the pain of a public trial.

The four specifications relative to Lieut. Weaver might have merited more particular notice; but the facts are so perspicuously stated in the opening of the defence, the evidence so entirely corresponds with that statement, and the reasonings of my associate so convincing, that I cannot hope to illustrate that transaction. Brief recapitulation is all that is left to me.

That the 24th specification is mistaken in point of fact seems undeniable. The permission granted to Lieut. Weaver to absent himself from the Franklin did not extend to the cruise, but was temporary and brief. He was to rejoin the ship at the Pacific. Originally he was allowed to remain at New York till a favorable opportunity arose to proceed to the Pacific; but the order he received to take charge of the stores on board the America still further restricted the indulgence and required his departure in that ship. Indeed, he was, on all military principles, in actual service on board that ship by virtue of the order which placed the stores under his charge. The authority of a commander to grant temporary leave of absence not only rests on general practice, but is believed to be an attribute of command, naval or military. In the army it is believed to be exercised; in the navy it is proved to have been practiced. The fact was in this case reported by Com. Stewart to the Department, and was neither reproved nor questioned.

The 23d specification, though true in fact, is predicated on the singular opinion that guilt can arise out of an act proper in itself, and not to have done which would have been an offence. He did, on November 24, cause the purser to make an entry on the muster roll "that William A. Weaver was absent from said ship without leave from the 1st August, 1822." That this entry corresponds exactly with the fact the United States has been at some pains to prove, and is undeniably true. It was made on the first occasion in which that muster had ever been presented to Com. Stewart for approbation and signature. In what, then, did his guilt consist? This specification says, in this: "That he had approved a previous muster roll, in which Lieut. Weaver was said to be actually on board to December, 1823." That the statement of his being on board till December, 1823, is on all hands admitted to be incorrect, and the preceding specification seeks to punish Com. Stewart for having made it. Yet, with strange inconsistency, it is imputed to him as a crime that he did not intentionally repeat in the muster of November, 1824, the very misstatement which he is prosecuted for committing in the preceding one of December, 1823. The condition of that man is indeed deplorable to whom no safe course of action is allowed. Had Com. Stewart, in the muster of November, 1824, caused any other entry to be made but the one he did, he would have been liable to prosecution for a false muster. For having made it according to the truth of the case, he is prosecuted because it does not correspond with the previous one, admitted to be erroneous. If he sinned in the first instance, he ought at least to be applauded for his reformation.

The 21st specification, strictly and literally taken, is untrue in point of fact. It charges that he approved the muster roll of the Franklin, "wherein it was *made to appear* that William A. Weaver was *actually* on board said ship, and performing the duties of a lieutenant." Now the muster roll did not make it appear that "he was actually on board." That was matter of mere inference, founded on the supposition that every one is presumed to be on board whose name stands on the muster, and who is not expressly stated to be absent. That inference is not warranted, as it is proved that the name of an officer is not stricken off the books, though absent with or without leave. The truth is, that the muster roll neither negatively stated that Lieut. Weaver was *not* on board, as the law intended it shall state, nor affirmatively that he *was* on board, as the specification supposes.

But the accused means to rest his defence on no law subtilties or verbal criticism. He wishes to be tried only on the honesty of his purpose. The muster roll, by which it might be inferred that Lieutenant Weaver was on board to December, 1823, is undeniably shown not to have been such as he designed it to be. The error arose by mistake, either in himself or the purser, probably in the purser, but undoubtedly by a mere mistake. He could promote no possible interest of his own by the misstatement; the United

States could sustain no possible wrong. He had by prior muster rolls *officially* informed the Department of the actual condition of Mr. Weaver. It was personally known by the Secretary, to whom Mr. Weaver reported himself in Washington. The muster roll, in December, 1823, could give no new intelligence, if the mistake in it had not occurred. In what, then, does his offence consist? Has he violated the *spirit* of the regulation? That was designed to prevent frauds on the government; here none was intended, none practicable. Has he violated its *letter?* Morality exclaims, no; for guilt consists in intentional error, and not in accidental mistake. Philology confirms the opinion. A muster to be false must not only be erroneous, but the error must be committed with intent to deceive. A few words will suffice to repel the imputations conveyed by the 5th and 14th specifications of the first charge. The offence is in "employing in August, 1822, the Waterwitch, then in the service of the United States, in traffic and carrying merchandise on private account;" and "permitting the cargo, or part of the cargo of the Canton, in August, 1822, to be shipped on board the Peruviano, then in tow of the Franklin, and ostensibly a public vessel; and in carrying on board the Franklin the supercargo of the Canton, and samples of goods thus put on board the Peruviano, for the purpose of furthering the sale of the goods."

As to the Waterwitch, it is positively proved by Lieutenant Henry and Mr. Wilkes, who successively commanded her, that while she was employed it was exclusively in the public service; and in no traffic, until she was delivered up to the agent of her owner; not one article of merchandise was on board during all that whole time.

Lieutenant Henry has given you a detailed account, sustained by his books and orders, of all the operations of the Peruviano, from the moment at which she was first employed on the public service, till her surrender to Mr. Nixon, in April, 1824, when the Franklin was about to return to the United States. Not only is there no proof to sustain the prosecution on this head, but it is proved so [far] as a negative admits of proof, that no merchandise was received on board, and that she was engaged in no traffic whatever during that whole time. She had indeed received some merchandise on board for the Canton, *before* she was "in the public service," *not* "for traffic" but safe keeping; and it was restored to the Canton *after* the Peruviano was in the public service. If there be guilt in the transactions, then indeed Commodore Stewart must be convicted of the double crime of granting to his countrymen in the Pacific an accommodation which none but a churl would have refused, and of believing that his country could appreciate the motives which led him to advance the objects of his squadron at the cost of some temporary expenditure to himself. The inconsistency of some of these charges is very curious, and would be amusing, but that the honor of an officer is too sacred to become the fit subject of an idle jest, and a criminal prosecution not a proper mode of practicing it.

The 31st article of the naval regulations, subjects an officer to be cashiered, if he receives on board his vessel any merchandise (other than specie and bullion), except in cases of necessity and distress, and to preserve them. To bring this case under that article, it was necessary to allege, as the 14th specification does, that the Peruviano was, *at the time the goods were put on board*, in the service of the United States; that is, a public vessel for the time being.

But the 17th specification, which attempts to punish the commodore for employing the crew and arms, &c., of the Franklin on board the Peruviano, attests her "not to have been required for the public service, or that she did not, and does not belong to the United States." It is impossible both offences could be committed. For if the Peruviano was not a public vessel, receiving or carrying merchandise on board could not be an offence against the naval regulation. If she were a public vessel, the employment of the crew, &c., of the Franklin on board her, instead of being a crime, was a positive duty. The inconsistency of the specifications should destroy both.

But, in truth, he was guilty of neither offence. The explanation given on the opening of the defence is clear in its principle, and the facts sustained completely by the proofs. The Peruviano was, at no time, the property of the United States, though for some time in their service. She had been constructed and equipped at private cost, and with private materials. When the goods were put on board as a place of deposit, she was private property. In this state she was officered, manned, and armed by the Franklin, for public purposes, and solely employed in public duty. The necessity of such a vessel to the uses of the squadron is obvious; was pointed out by Commodore Stewart immediately on his arrival in the Pacific; when an unexpected opportunity arose to obtain her, he did so, but at his own private cost, as he had received no express instructions to buy on public account. He informed the government that he had done so; her utility, and the sum she saved to the public, are proved at this trial; the Department has sanctioned his conduct, and paid Lieutenant Henry, who commanded her.

Placing her in public employment did not require that the private property on board, which did not at all interfere wi h her storage or armament, should be thrown into the sea. They were, therefore, kept on board till the return of the Canton, then restored to her, and Midshipman McCauley has proved the goods were brought back to the United States.

As to the residue of the specification, it may be briefly said that Mr. Ward went to the Franklin, not as "supercargo of the Canton," but as secretary to Commodore Stewart, an office which had become vacant by the death of Dr. Dupuy, and which the penmanship of Mr. Ward, and his knowledge of the Spanish language, peculiarly qualified him to fill. He may perhaps have carried the samples on board the Franklin. I dare affirm the commodore did not search his secretary's baggage to ascertain it, and if he had known it, it was a facility to the commerce of his country, forbidden by no law, proper and reasonable.

The charges already noticed, exhibit the commodore as at once the proudest and meanest of mankind. At one moment he is represented assailing sovereignty itself in his audacity; at another, stooping to the commission of sixpenny frauds, and petty peculation that a Newgate offender would scorn to commit.

The last charge imputes to him oppression and cruelty. It consists "in confining Joshua R. Sands, a lieutenant in the navy of the United States, in an unusual and unnecessary manner, from the 8th October, 1823, to the 13th April, 1824, without taking any measures to bring him to a trial for any alleged misconduct, and in continuing said oppressive and cruel conduct, subsequent to the 13th April, to the manifest and great injury of the health of said Sands."

The principle, stated in the opening of the case, would suffice to defend Commodore Stewart, if he sought only impunity. The exercise, however stern and rigorous, of a lawful power, can never be an offence against the law; for it were absurd that the law should punish that which the law authorizes. Mr. Sands has been convicted, by a court-martial, of the offence for which Commodore Stewart confined him.

If Commodore Stewart exercised his lawful authority more sternly and severely than the occasion required, it might, indeed, expose him to *moral*, but never to *judicial* censure. But it will be shown that his conduct throughout, merits commendation. Those who have known Commodore Stewart, in private life, will learn with astonishment, that under the modest and unpretending good sense, the forbearing manners, the amiable and kindly sentiments which have characterized him, lurked a tyrant's temper, which could exercise protracted oppression, and derive a fiend-like gratification from the suffering it inflicted.

To you, gentlemen, some of whom have known him in every situation which could test the vigor or permanancy of his moral principles, defence is needless. You could personally attest that his professional life, by a rare and happy union of qualities, not easily nor often combined; the sternness of official authority has been so blended and attempered by personal mildness, that those who have been placed under his authority, obeyed not more from duty than respect. On more than one memorable occasion, he has been compelled to take very decisive measures, when the subordination and discipline of the service were menaced. It was equally honorable to himself, and to those on whom he acted, that no personal ill-will was engendered by those measures, but they were afterwards, with an honorable frankness, approved by those who had occasioned them. But he has not chosen to call witnesses to his general temper and conduct to those under his command. He prefers that should rest on the testimony of the very person said to be the victim of his oppression. You cannot doubt his evidence when favorable to the accused; for if his wrongs had been great, his resentment for them has certainly been enduring. Appeal then to Lieutenant Sands. When asked if the general conduct of Commodore Stewart was marked with a cruel and oppressive temper, he replied, "Commodore Stewart's conduct has not been cruel and oppressive, but the contrary. As to myself, I have met with no reprimand from him for two years that I served under him, except once, for swearing." Those who have young sons in the navy will best know how to estimate the temper of a commander, who gave a reprimand for an impropriety, unhappily too common, but offensive both to good manners and good morals.

It must be obvious, then, that Commodore Stewart's conduct to Lieutenant Sands cannot be ascribed either to natural propensity to oppression and cruelty, or to any personal hostility to that young gentleman. Let us see, then, if its cause may not be found in the temper and conduct of Lieutenant Sands himself. In pursuing this inquiry, the principal facts will be taken from his own statements.

It appears that on the 7th of October, 1822, several gentlemen were guests of the ward room table, while the Franklin was lying in port. Lieut. Hammersley, who was the superior officer, presided at the table. In the presence of these strangers, and of several officers of the ship, a quarrel arose between Lieutenants Hammersley and Sands, which proceeded so far that Mr. Sands threw a bottle at Mr. Hammersley. Who was the aggressor is not very important; but Mr. Sands has been convicted by a court-martial of being the offender. Heated with wine and passion, these young gentlemen immediately went on shore to settle the dispute by private combat. After the exchange of three shots, their ammunition being expended, they separated, with an engagement to renew the duel on the next morning. In this state of the affair, Commodore Stewart became informed of it. He instantly did what his duty as an officer, and what a much higher duty demanded. He determined to interpose his authority to save these hot-brained young men from the effects of their mistaken pride and reckless anger. Enough had been done to satisfy the most fastidious advocate of the point of honor, and the orders of their commander would have prevented all possible misconception of their failure to comply with their engagements for the next morning. He therefore sent an order, on that evening, to the parties, then on shore, requiring their immediate return to the ship. By Lieutenant Hammersley this order was promptly obeyed. But Mr. Sands (who seems to have singular ideas of obedience in naval life) not only disobeyed it and remained on shore, but (as if to prove that his disobedience was considerate and deliberate) sent a letter of refusal to his commander. His object was to prosecute the duel, and that he seems to have considered a sufficient reason for disregarding his order.

On the next morning the lieutenant of marines was sent with a new order to Mr. Sands to return to the ship, and with instructions to use force to bring him, if needful. By this time the fermentation of the passions had subsided, and it might have been expected that Mr. Sands would have recollected the observance due to his commander. It might have been hoped, too, that his heart would have felt some touch of grateful reverence for the paternal solicitude which, while it was mindful of what was due to notions even of fastidious honor, was exerting itself to save him from the distraction of misery his rash and inconsiderate courage was preparing. Not so, however. This reiterated order was not obeyed, till Mr. Sands, finding that the duel was prevented, *consented* (as he says) to go on board.

Had Commodore Stewart been cruel and oppressive, there was much here to excite his temper; had he felt individual hostility towards Mr. Sands, here was an opportunity to indulge it, not only with impunity, but even under the appearance of zeal for the service. The regulations of the ship had been violated by going, and staying, on shore without leave; the decorum of the ward room outraged; the respect to a superior officer contemned; a direct attack made upon his person; the commodore's own reiterated orders contemned and disobeyed; yet, under all these circumstances, the only measure adopted by Commodore Stewart on his coming on board, was a suspension from duty. The occasion would have merited *more* severity; *less* could not have been practiced without an absolute surrender of all authority.

But even this measure, mild, indispensable, and lawful as it certainly was, had for its object, not the punishment of Mr. Sands, but his reformation; and with almost any other person it would have produced its intended effect. He ought to have perceived, not only the necessity, but the kindness of the restraint, and have restored himself, in a day or two, to service, by a proper apology to his commander. Instead of this, on the very next day, and while under suspension, he again insulted and jostled Lieutenant Hammersley, with the manifest design of increasing the flame which Commodore Stewart was anxious to extinguish. On this, Lieutenant Henry, then commanding lieutenant of the ship, ordered Mr. Sands to confine himself to his state room. When this was officially reported to Commodore Stewart, he had no choice but to confirm the order, or by reversing it, impliedly to censure Lieutenant Hammersley, and invite a repetition of acts which would have converted the deck of a ship-of-war into a theatre of gladiators. He would have been highly criminal had he hesitated in his choice. He confirmed the order which confined Lieutenant Sands to his cabin. The patience of most commanding officers would have been, by this time, exhausted; the ardor of most young men cooled; still, Commodore Stewart looked only to wholesome and temporary restraint of Mr. Sands. But that young gentleman resolved to push the forbearance of his commander to the uttermost. In examining the conduct of the parties afterwards, one knows not which most to wonder at, the undisguised disrespect and dogged obstinacy of Mr. Sands, or the mild

forbearance of his commander. In one part of it, indeed, Commodore Stewart's feelings seemed, for a moment, to have been excited. But it was when a most dangerous blow was aimed at all discipline by a combined representation of his officers, which, under whatever specious pretext they may be formed, must, if tolerated, subject a commander to the direction of his inferiors, communicated in the shape of remonstrance and advice. But that excitement was momentary. His mind was "like the flint, which, rudely stricken, gives forth a hasty spark, and straight is cool again."

On the 9th of October, Mr. Sands sent a letter to Commodore Stewart, to say that he "conceived himself aggrieved and oppressed," and to charge him with "partiality" in not arresting Lieutenant Hammersley, though that officer was the person injured, and had not aggravated his original misconduct by disobedience of orders. Consulting less the sternness of official rank than his indulgent temper, the commodore in his reply assured him that he had no intention to grieve or oppress him, and stated that nothing would give him greater pleasure than to find his conduct divested of the violations of law and order with which it seemed to be combined. Mr. Sands, on the same day, in another letter, quoted law authorities to the commodore to prove that his confinement was illegal, and politely suggested the propriety of endeavoring to get at facts through a medium that would have at least the appearance of a disposition to show him justice. Without waiting a reply to that letter, he sent another to the commodore on the next morning, in which he attempted to prove by argument and authority that Commodore Stewart had acted lawlessly and oppressively in confining him, charges him with connivance with Lieutenant Hammersley, his avowed enemy; "protests against his conduct as illegal, oppressive, unjust, highly calculated to arouse feelings that might have a tendency to produce conduct on which to base other charges, inhuman, and finally threatened an appeal to the President of the United States for redress against his injustice." This, it must be admitted, would be uncourteous language used by a young gentleman to any person; disrespectful, when addressed to a senior; but, addressed by a young lieutenant to his commander, was a high military offence. Indeed, if one part of it alluded—and it seemed to admit no other construction—to a challenge to Commodore Stewart, or an attack on his person, as not unlikely to grow out of his measures, it wanted nothing but combination and numbers to make it a direct act of mutiny. Every attempt by inferiors to intimidate and to force him from his measures is mutinous. No considerations shall ever tempt me to become the apologist of military tyranny. I am entirely convinced that tyranny is not discipline, and that no mistake can be more fatal to the army or navy than the belief that unrestrained violence and unbridled power in a commander contribute to their efficacy. Such a system of command may make obsequious slaves, but heroes never. But it is folly to extend to military life the maxims and manners of personal equality. Countenance the idea in the navy that your inferior officers may use such language to their commanders in the actual exercise of duty, and, depend on it, you will have no victories to boast hereafter.

The insubordinate disposition of Mr. Sands has been, perhaps, sufficiently exhibited already; but follow him on, and take his own account of matters. Finding Mr. Sands, instead of becoming more temperate and considerate in the opportunities afforded him for reflection, was becoming more disrespectful—desirous to ascertain by judicial inquiry whether Mr. Hammersley's official report of his conduct was in any particular misstated or exaggerated, as Mr. Sands had intimated, Commodore Stewart, on the 10th of October, directed a court of inquiry to examine the case; by Mr. Sands' own account, he immediately quarreled with that court and the judge advocate; charged them with keeping an unfair record, and protested against their proceedings. The sickness of the president and a member of the court, suspended its proceedings. Here, again, Mr. Sands' want of self-control appeared. By his own acknowledgment before you, he sent, without the slightest provocation, an irrascible and offensive message to a member of the court, and in a subsequent conversation grossly insulted him.

When the commodore found that the proceedings of the court of inquiry would probably be long suspended by the indisposition of its members, the kindness of his temper led him to overlook the contemptuous language of his letters and to endeavor to release him without endangering the harmony of his officers. On the 18th of October he addressed a letter to Mr. Sands, in which, after stating that the continued indisposition of the president rendered it improbable that he would be able again to preside at the court of inquiry, and expressing his regret there should be any necessity for the restraint under which he had been placed, he proposed to release Mr. Sands from his unpleasant situation on his giving his word of honor that he would not "provoke, molest or impede Lieutenant Hammersley or any other officer of the ship until his case was finally decided." Instead of accepting the proffered indulgence on these reasonable terms, in his reply of the same date he said: "As in no instance have I been the aggressor in the differences existing between Mr. Hammersley and myself, so I pledge to you my honor not to do anything but defend myself from the injuries he or any other man may choose to offer me." Commodore Stewart perceived, as he believed, that the pledge offered by Mr. Sands was not likely to attain the object he wished. His views will be seen in his reply, which I beg leave to read *in extenso*. (See letter marked § No. 9, in document 10.)

Mr. Sands refused to accede to the terms offered by Commodore Stewart and closed the correspondence by a letter of the 20th of October, in which he says to the commodore, "rank or station in life will not prevent men from commission of faults; is it generous to follow with vindictive measures the man we have already in our power? I answer not." It is in proof that after this Mr. Sands knew in various modes that he could at any time be relieved by giving the pledge required, but he pertinaciously refused, in the persuasion that his commander would ultimately submit and take the pledge in the terms he had been pleased to offer rather than prolong his confinement. If he had experienced inconvenience, let him charge it to his own sullen obstinacy.

Mr. Sands has told the court that the pledge he offered to give was substantially the same that the commodore required; why then did he stickle so much about the form? he knew that Commodore Stewart believed them to differ; if he really meant to accede to the substance of the pledge, why did he not yield with grace and dignity, and accept the indulgence in the way in which it had been offered; why insist that his own terms and not those used by the commodore should be adopted? He could have been influenced by one motive only—a desire to obtain a petty triumph over his commander.

But the assurance required by the commodore was not "substantially the same" with that which Mr. Sands was willing to give. The former would have presented not only a renewal of old hostilities, but all new excitements between Lieutenants Hammersley and Sands, the latter would have left an opportunity for new disagreements. Passion is seldom either just or discriminating; a look, a word, or even silence, may be easily construed by ingenious hatred into insult.

The privilege which Mr. Sands reserved to himself, of determining what were injuries and of defending himself from them, would have led to the very mischief which Commodore Stewart intended to prevent; and that Mr. Sands intended by changing the words of the assurance not to restrict himself, as was wished, is partially proved by his letters of the 19th and 20th of October. In them he does not once insinuate that his acceptance was intended to be coextensive with the offer made; on the contrary, he refused to accede to the offer of the commodore for the very reason that it went farther than he could consent to go.

He clearly manifested that he meant to reserve to himself a right which would have led to new violence. His words are "to pledge myself to show no resistance to indignities offered I cannot do, when I recollect the narrow limits assigned me by your order of the 8th instant were attempted to be abridged by a man who would not, under the privilege now held out to me, long want a pretext for again rendering it necessary for you to order close confinement."

You will remember in what this pretended abridgment of his limits consisted, and it is obvious that the privilege of jostling Lieutenant Hammersley on a similar occasion was intended to be reserved by Mr. Sands in his pledge; yet that was the very thing which it was the duty of Commodore Stewart to prevent.

The idea held out by Mr. Sands, that under the pledge asked by Commodore Stewart he would have been left exposed to degrading insults which he could not resent, is unfounded and absurd; no pledge would have taken from him the imprescriptable right of self-defence against actual violence; and he had the highest possible security against insult of any sort from that sentiment of honor which teaches every man that to offer indignity to one pledged not to resent it is base and cowardly. It would have cost Lieutenant Hammersley his commission had he dared to outrage Mr. Sands in that condition. More time has been taken in explaining the origin of this affair than it merited; but the charge of cruelty and oppression is so injurious to an officer, so odious in an individual, that it was proper to examine it somewhat in detail. Those who know how difficult it is to subdue the pride, the self-will, and headstrong passions of youth, to the order and obedience essential to military life, will not be surprised that after a three years' cruise in a ship of the line some individuals should complain of severity. It is no slight proof of the paternal and mild administration of Commodore Stewart that one only has complained. The motives of his original interference the most considerate will most approve. His subsequent measures were forced upon him by the unyielding temper of Mr. Sands.

It may possibly be said that Commodore S. protracted his trial unnecessarily, and therefore oppressively. The answer is simple, and must be satisfactory. The report of the court of inquiry ascertained judicially Mr. Sands' impropriety; that, therefore, gave him no new claim to indulgence. The squadron did not furnish officers sufficient to form a court-martial. The three members of the court of inquiry could not sit on the court-martial, for they had formed and expressed an opinion on the proofs. Lieutenant Hammersley was incompetent, being both a witness and a party; one officer had perished in a boat; Lieutenant Mayo had come to the United States; five officers, the smallest number for a court, could not be obtained until the arrival of the United States, under Captain Hull. Immediately after a court-martial was called; that court found Mr. Sands guilty, but its proceedings were irregular and illegal, and, moreover, the punishment inflicted was not such as the case required; the court undertaking to exercise a power of mitigation belonging to another department.

Commodore Stewart, exerting his undoubted authority, disapproved the sentence. The proceedings have been laid before the government, who have not thought proper to reverse the Commodore's decision: and in point of law Mr. Sands is still under prosecution; that he is not prosecuted, in fact, he owes to the lenity of the government.

The opinion of the court-martial in the Pacific was not promulgated, because it was not a final sentence, and, being unfavorable to Mr. Sands, its promulgation might have injured him on another trial.

The specification says that the confinement was "to the manifest and great injury of the health of Mr. Sands;" if that were true, Mr. Sands should attribute it to his own obstinacy, not to Commodore Stewart, whose duty imposed the restraint. But it is untrue; he never was on the sick report, nor was it made known to Commodore Stewart that he was actually sick; that his confinement was unpleasant, that he would have found it more agreeable to frolic on shore, as he proposed, is true. But Mr. Sands' military condition required a physician. We do not give comfits as medicine. If the dose he received was nauseous, it was necessary, and it is to be hoped will prove to have been wholesome.

In the defence of his own conduct, Commodore Stewart has been compelled to exhibit that of Mr. Sands in no attractive form; but he would not do justice to his own feelings if he allowed any impression to be made to the permanent injury of that young gentleman; he has said always, and now repeats, that he is an officer of promise.

The wildest and most mettlesome colts generally prove the best horses, but they require the severest discipline of the *menage;* they must feel the curb and the spur often and severely to render them tractable and obedient to the voice of their rider. The excellent good sense of Mr. Sands cannot fail to teach him sooner or later that a dignified obedience in military life is not irreconcilable with a manly and intrepid spirit, and that he who hopes to command with distinction must first learn to obey. He will then find fitter objects for that intrepidity of spirit which courts danger and that indomitable constancy which never yields. He will then thank his commander for the painful but instructive lesson taught him in the Pacific.

I have now, sir, taken a review of every offence imputed to the accused. It has been more protracted, perhaps desultory, than it should have been, but that may in some measure be ascribed to the number and variety of the matters embraced by it. The conduct of no officer has hitherto been exposed to an analysis so minute.

There may perhaps be found in his conduct some alloy inseparable from humanity, but much rich and pure ore will be discovered by the process; it is for you to announce the result.

Gentlemen, this entire nation awaits your decision with intense anxiety; the most precious of her gems is her naval renown; to it she chiefly owes that elevation of national sentiment, that lofty tone of conscious worth, which constitute the chief power of every government, without which republics perish.

If Commodore Stewart has sinned as this prosecution supposes, he is alike dangerous for his audacity, hateful for his cruelty, contemptible for his meanness; your oaths, your personal integrity, the reputation of the navy, the honor of our beloved country, demand his punishment. It would indeed have been better had he fallen as a gallant officer would wish to fall, at the close of some battle made memorable by his valor and skill; the triumphant banner of his country waving over him; the ocean his grave; his epitaph

written by a nation's gratitude. Such a fate would have been in keeping with his former renown. But let no thought of this unnerve you; if he be guilty, strike, and strike fearlessly. The punishment of his offences will promote the interests of his country not less than his victories contributed to her renown; the navy will be purified from his contamination, the dignity of the law will be maintained, and an example will be given, salutary and striking, that no length of service, no rank, no splendor of naval or military achievement, will stay the arm of public justice.

But if he shall sustain this fiery ordeal, your own high-minded and generous sentiments will suggest what is due to his reputation and his feelings. You will not, with niggard hand, give to him a cold and grudging acquittal; but you will replace his laurels, green and fresh as when the hand of Congress placed them on his brow; you will restore with honor to the navy one to whom the navy is so largely indebted for its honors; you will give to your country the precious privilege of recounting her naval actions, without a blush for the crimes of those who achieved them.

NAVY DEPARTMENT, *September* 5, 1825.

SIR: I enclose to you the judgment of the court-martial, which the President of the United States has approved, acquitting you most honorably of all the charges which have been made against you, and of which the government has been apprised, while you commanded the squadron in the Pacific. The number and nature of the charges, and the character of those who presented them, were such that an inquiry was demanded, by your own honor, and the duty which the government owed itself and the interests of the nation. The result of the investigation has been satisfactory to the Executive, will be useful to the public, and honorable to yourself. It has furnished a conclusive answer to public and to private accusation, and redeemed your fame from reproach; a fame heretofore dear to your country, and hereafter to become still more precious.

I am, very respectfully, &c.,
(Signed) SAM'L L. SOUTHARD.

Captain CHAS. STEWART, *U. S. Navy, Washington.*

WASHINGTON, *September* 7, 1825.

SIR: I have the honor to acknowledge the receipt of your letter of the 5th instant, covering the judgment of the court-martial, which has been approved by the President of the United States.

For this early attention, and the very flattering manner in which you have been pleased to make the communication, I beg leave to tender to you my sincere thanks; as also, for the time you have accorded, and the facilities you have afforded me to defend myself against such a variety of matter, set afloat at periods and places so distant.

That the late Executive Government believed it due to itself and the interests of the nation, to have the allegations against me fully inquired into, I am most willing to believe; but that my own honor demanded and required the investigation, I have been furnished with no lights or means to enable me to form a judgment. If the character of those who laid or presented these odious charges is such as to leave no grounds to suppose they were actuated by the worst and vilest motive, it appears to me to belong to that justice the government owes itself, to make it manifest. But if, on the other hand, they shall appear to have been based on the most corrupt principles of the human heart, and to have emanated from the most impure sources, "whose rankness smells to heaven," the government then owes it to the honor of this nation to exhibit them to the world, and, in imitation of divine justice, *set a mark on the wretches.* Should they be found attached to the civil departments of the administration, the purity of those departments would seem to require their expulsion. But should they be found in the bosom of the navy, (where I believe they can only be found,) then how essential it is to its future welfare and glory, that such disorganizing characters, such disgraceful, unworthy associates in arms, should no longer be permitted to hang on the skirts of the mantle, with which its former virtues and valor have covered it.

Next to an approving conscience, I know of no circumstance that could be more gratifying to me than to learn that the result of this investigation has been satisfactory to the President, and is in accord with his virtues and principles of justice.

On the restoration of my health, and the removal of my arrest, I shall have the honor to renew to you, in person, the high consideration and respect with which

I remain, &c., &c.,
(Signed) C. STEWART.

The Hon. SAM'L L. SOUTHARD, *Secretary of the Navy, Washington.*

NAVY DEPARTMENT, *September* 7, 1825.

SIR: I have this moment received your letter of this day's date, and, as I am about leaving the city, for a short time, with General Lafayette, hasten to reply to it.

Your arrest was matter of form, for the purposes of trial only. Your sword was not demanded, and therefore cannot be returned to you; and when I communicated to you the judgment of the court-martial, it did not occur to me that it was necessary to say anything respecting your arrest. You are, from the date of my letter of the 5th inst., in all respects relieved from that arrest, and restored to your standing in the service. The principal charges against you rested upon the authority of more than one foreign government, and of individuals of respectable standing, and these were corroborated by rumors and representations from a great variety of sources, which had also reached, and as I believed, seriously affected the public mind, as regarded your conduct and reputation. Hence the remark in my letter, that

the inquiry was demanded by your own honor, and the duty the government owed to itself and the interests of the nation. In no other way could the truth be sufficiently established, and accomplish all the objects presented by the case. The government cannot discover the motives of those who made the charges, so as to determine that it resulted from "the corrupt principles of the human heart," nor is there at this time, either in the civil department of the government, or in the navy, any one against whom it could present a distinct accusation of such principles, or upon whom it could with propriety act with a view to punishment. If there be any one, within your knowledge, who is culpable, and deserves punishment, and you will furnish charges against him, they shall be examined and investigated, with the same regard for truth and the public interests which has influenced the government in the course which has been pursued toward yourself.

I am, respectfully, &c., &c.,

(Signed) SAMUEL L. SOUTHARD.

Captain CHARLES STEWART, *U. S. Navy, Washington.*

[Translation.]

Decree of San Martin.

To obviate all difficulties that might arise in future between the commanders of vessels-of-war belonging to neutral nations, and the government of the country, in regard to the rights that foreigners residing therein enjoy, and the obligations which they contract during their residence, I have decreed as follows:

First. Foreigners resident in the country possess the same rights as its citizens to the protection of the government and the laws, in whose eye there is no respect of persons.

Second. Foreigners, consequently, are subject to the laws of the country, and the orders of government, without the right of demanding the interference of the commanders of the vessels-of-war, or the consuls of their nation; there being but one case in which, by the law of nations, the demand may be made, that is an open violation of their laws.

Third. Foreigners, resident in the country, are obliged to take arms for maintaining internal tranquillity, but not for waging war against the Spaniards, while they preserve the character of neutrals.

Fourth. Foreigners are obliged to bear the burdens and pay the contributions of the other inhabitants of the State, proportionably to their possessions, and the advantages they derive from a free exercise of their profession.

Let this be published as a law, and communicated to whomsoever it may concern.

Given at the Protectoral palace of Lima, on the 17th of October, 1821.

SAN MARTIN.

By order of his excellency:

BERNARDO MONTEAGUDO.

It is a copy.

(Signed) VALDIVIE.

AREQUIPA, *June* 3, 1822.

To the commanding officer of the United States naval forces:

MY DEAR SIR: The communication which you were pleased to address me, informing me of your late arrival on this coast, affords me an occasion of offering you my respects, and of intimating to you that I have transmitted your letter to his excellency the Viceroy, whose reply I await. I proffer you the assurances of a sincere disposition to serve you, and I pray you to believe that your commands will be executed with pleasure, by

Your very devoted and respectful servant,

(Signed) JUAN RAMIREZ.

[Translation.]

HEAD-QUARTERS AT AREQUIPA, *June* 29, 1822.

To the commanding officer of the naval forces of the United States in the Pacific:

I made you my respects when at Arica, intending at a future period to communicate to you the reply of his excellency the Viceroy to your letter, in relation to a proposed arrangement for the benefit of commerce, and the advantage of the nations which we represent. This reply I have not yet received, and I have been notified of the arrival, at Quilca, of the ship Franklin, under your command. As this port is contiguous to my head-quarters, I venture to renew to you my consideration, the expression of which I have confided to an officer. The opportunity of serving you personally, to the extent of my power, would afford me sincere pleasure and the highest honor; but I am compelled, before I can realize this pleasure, to solicit your generosity and protection, in favor of a general, who, after having faithfully discharged his duties, and become exhausted by service, has obtained a passport to return to Europe, desirous of embracing his family. Everything depends on your determination to grant me his protection, in so proper an object, which would by no means compromit your neutrality towards the parties in America I pray you, therefore, to grant it him, from the dictate of your generosity, and for the sake of the mediation of his friend Smith, who, I have no doubt, will interpose in his favor.

God preserve you many years.

(Signed) JUAN RAMIREZ.

[Translation.]

LIMA, *August* 13, 1822.

To the commanding officer of the United States ship Franklin:

The secretary of the State of Peru, in the name of the Supreme Director, has the honor to reply to the note of the commander of the United States ship Franklin, of the 9th inst., in relation to a claim for the brig Macedonian and her cargo. I have to observe that, by the 2d article of the protectoral decree of Peru, of the 17th of October, ult., published in the accompanying gazette, the interference of commanders of vessels-of-war, or of consuls, can be admitted only in cases where the laws of nations have been openly violated; and that, therefore, it cannot be exercised when personal interests alone are concerned; which, in the present case, have been defended by the parties in a court of justice, and decided according to the laws of the country.

The secretary of state would conceive that the note of the commodore has now been answered, but that the high consideration due from the government of Peru to that of the United States, from a similarity of principles in their glorious revolutions, and the sincere desire of preserving their respective rights, has established between them mutual relations of frankness and good intelligence. These considerations have determined the secretary of state to make known to the commodore, that the brig Macedonian was sequestrated as the property of the fugitive Spaniard, Don José Arismendi, who gained more by this vessel and her cargo than the whole amount of her value: that the permission for this brig to sail from Canton to the port of Callao with her cargo, was obtained from the enemy by this Arismendi and Captain Smith, in consideration of $100,000, $25,000 as a donation, and $75,000 in advance for payment of duties, to be applied to the maintenance of the war, in open violation of the neutrality which Smith should have religiously observed: that, on the arrival of the vessel from the Puertos Intermedios, several of the crew were taken from on board, and detained to answer in a judicial process, to the conduct and termination of which they were absolutely necessary; which act cannot be considered oppressive: that, the vessel having been declared to belong to the State of Peru, by the judge of sequestrations, to whom the case was referred, after the decision of the high court of justice, the flag of Peru could properly have been hoisted thereon, and she employed in the service of the State: that the sentence pronounced by the judge in the usual form, is legal, and conformable to the order observed in trials, and is not an arbitrary act, or secret and iniquitous means of deciding the fortunes of an individual; and finally, that the parties interested, having made their protests, have the power of appealing to the proper judicial tribunals, which alone are competent to pronounce a decision on the present case.

The secretary of state, with the present occasion, proffers to the commander of the United States ship Franklin the sentiments of his esteem and consideration, subscribing himself,

His obedient servant,

(Signed) FRANCISCO VALDIVIE.

[Translation.]

LIMA, *September* 10, 1822.

To Commodore Charles Stewart, commanding United States ship Franklin:

The secretary of state of Peru has delayed a reply to Commodore Stewart's note of the 20th of August last, in relation to the brig Macedonia, in consequence of having received at a late period the proceedings in the case before the court to which it was brought, and because of his wish to communicate some facts that might prove to Commodore Stewart how little merit this case possesses, which he seems disposed to advocate.

The subject is one in no wise national. It concerns, exclusively, personal and private interests, commercial matters and agreements between E. Smith, a citizen of the United States, and the fugitive Spaniard, D. José Arismendi, whose property now belongs to the State of Peru. This matter, therefore, cannot be subject of official correspondence between the governments of the United States and Peru; its cognizance belongs to the judicial power, those interested being the only legitimate parties for prosecuting or opposing their claims before the proper tribunals.

This opinion is in conformity with the law of nations, and with the protectoral decree of the 17th of September ult., a certified copy of which is herewith enclosed. Its provisions extend not only to foreigners settled in the State, but also to transient traders in the country, which require that every foreigner speculating or importing goods shall submit to the laws of the State that govern in commercial transactions. The private interests of transient foreigners would otherwise destroy the system and order of commerce established in the State, and public right would be defrauded by individual property. By the above protectoral decree this property cannot be claimed by the commanders of the vessels-of-war of neutral nations; but the parties interested, if they conceive themselves aggrieved, may, as before said, have recourse in suit before the proper tribunals.

What Mr. Smith pleads, under pretext of a hearing having been denied him, is without foundation; for inasmuch as this was fully granted to Horre, the supercargo of the Macedonian, who was the legal representative of the concern, and who appeared by attorney in the cause, having been regularly informed of the proceedings, the judgment pronounced is legal, and the time specified by law having expired, the judgment from his default was regularly confirmed and executed.

The brig Macedonian and that part of her cargo which was brought to Callao was justly seized and sequestered as the property of the Spaniard Arismendi. Commodore Stewart will perceive by documents numbers 11 and 12, herewith transmitted to him by the secretary of state, that one-half of the hull of the brig was purchased of D. Felipe Mercier by Arismendi, for $15,000; that he moreover gave to the Spanish government in Peru, $100,000 for permission to bring his goods from Canton to the port of Callao; and that he gave $25,000 as a donation, and $75,000 in payment of duties accruing upon the cargo of the Macedonian. These facts will also appear from the paper connected with document No. 13.

Although Arismendi, in the second part of his instructions to his agents at Arequipa, No. 12, notified them (doubtless to avoid consequences) that he had not been able to fulfill the contract, No. 14, of depo-

siting $50,000 on board the brig Macedonian, at San Blas, it nevertheless appears from the depositions of the captain and pilot of the vessel, copies of which are found with Nos. 15 and 16, that money and silver bullion was taken from the vessel at Canton. Until Smith shall have proved a different ownership of this money and silver, it is fair to presume that Arismendi performed his contract, being indebted, according to his instructions, in the sum of $100,000, and also of $25,000 as owner of one-half of the brig, and of $3,500 due to Smith for the expenses of the expedition.

That the interest of Arismendi in the brig Macedonian and her cargo was great, is evident. The most valuable and largest part of her cargo having been sold in the Intermedios, and the claims of Juan S. Ellory for the half of the vessel, as well as the adventures and profits of the interested parties being satisfied, it cannot be doubted that the sequestration of the brig and part of her cargo did not cover the interest of Arismendi and the other parties concerned.

To this simple exposition of facts, Smith can have nothing to oppose; and in this affair he is moreover chargeable with a want of due observance of neutrality. In contracting with Arismendi he was informed of the steps that had been taken to procure license, and he entered into a negotiation which could not be executed without an obligation to furnish the Spaniards with several thousands of dollars, destined to support the war. This is certainly at variance with a punctilious observance of strict neutrality.

The detention of a small part of the crew has been magnified into oppression. This is far from being true, and the detention was only intended for the procurement of the truth, which cannot always be elicited when witnesses are at liberty to make depositions. The crew of the Macedonia that was detained suffered no violence, and were liberated as soon as the truth was discovered.

From a view of the whole case, it appears that the brig Macedonia was legally sequestrated as the property of the Spaniard, Arismendi, whose interest in the enterprise was not destroyed by the confiscation of the vessel, having satisfied with profit the parties concerned by sales at Arica of the largest and most valuable part of the cargo; that Smith was privy to the contract of Arismendi with the Spanish government, then at Lima, to furnish a considerable sum of money for the prosecution of the war, and entered into a negotiation which could not have permitted an observance of strict neutrality; that Arismendi owned one-half of the vessel, and should have received advantages proportioned to the $50,00 ', which on the testimony of the captain and pilot of the Macedonia, he ordered to be landed at San Blas, from which port the brig transported to Canton a considerable sum of money and bullion; that the crew have suffered no great inconvenience, nor any evil separate from the peculiar circumstances attending the sequestration; that the trial was conducted and concluded with the attendance and defence of those who represented the rightful parties; and that finally, if these parties have any remonstrance to make against it, they should prefer it before the proper tribunals, where their legal demands will be admitted, as this subject does not belong to the governments of the United States and Peru, nor is it worthy the attention of the commander of the ship Franklin.

The secretary of state on this occasion renews to Commodore Stewart the high considerations of the esteem with which he subscribes himself

His obedient servant,

(Signed) FRANCISCO VALDIVIE.

[Translation.]

HEAD-QUARTERS AT CALLAO, *June* 29, 1823.

To Commodore Stewart, of the United States ship Franklin:

In the exercise of the full powers conferred on me by the sovereign congress of Peru, and finding the ports from Pisco to Chancay, inclusive, occupied by Spanish forces, I have issued orders that they be considered in a state of blockade, under the same principles and conditions prescribed in the supreme decrees of the President of this republic, declaring the ports between Pisco and Iquique to be in a state of blockade.

The commanding officer of the United States naval forces in this harbor will be pleased to notify the citizens of the United States, within his authority, of this order; and it is believed, that the application of the common law of nations to the peculiar circumstances that have induced the present decree, will be regarded and rigidly observed.

I pray the commanding officer of the United States naval forces to accept expressions of my high esteem.

By order of his excellency the general-in-chief.

(Signed) R. ALVARADO.

[Translation.]

HEAD-QUARTERS AT CALLAO, *July* 8, 1823.

To Commodore Stewart, of the United States ship Franklin:

The government of Peru having declared the western coast of the Pacific in a state of blockade, being occupied by a Spanish force, upon the same principles that make similar declarations by the most civilized nations against their enemies legal, I should consider it superfluous to add observations in reply to your note of the 30th June, for I cannot persuade myself that upon a closer examination of the subject you will fail to perceive the legality of the above blockade, which Sir Thomas Hardy, the commander of the British forces, recognized when he visited these ports. It may also be expected of you to acquiesce in the blockade of the ports comprehended between Pisco and Chancay, as did Captain Prescot of H. B. M. frigate Aurora, when notified of it, the principles of which you have been pleased peremptorily to pronounce new.

Without attempting then to discuss the question of right to blockade the coasts in possession of the

enemies of the republic, I will be permitted to remind you, that as a marine force sufficient to enforce the blockade of these coasts can be employed, and as the Spaniards have none to break it, it is not with neutrals to determine whether or not the force be *competent* to cause the blockade to be respected. It is well known that, by the common law of nations, the notification of a blockade by a schooner, legally armed and commissioned, is of as much force as if proclaimed by the commander of a ship.

A sufficient naval force having been destined to enforce the blockade, and as the Spaniards have not even a barge at command, in all the Pacific, I flatter myself that you and every other commander of United States vessels, as also those of his Britannic Majesty, will observe these principles, in preserving a rigorous neutrality. We shall then have the pleasure of seeing the good intelligence that subsists between the republic of the north and those of the south, confirmed by its officers, in a similarity of principles adopted in relation to this important matter.

If, however, we should unhappily witness conduct of yours opposed to the blockade that has been laid, and completely enforced, by the government of Peru, we shall be obliged to claim of the government of the United States for acts, in violation of strict neutrality, of the just rights of the nation, and in prejudice of its independence.

Be pleased to accept my sincere respects.

(Signed) A. DE SUCRE.

[Translation.]

To the commanding officer of the United States naval forces in the Pacific:

The military commandant at Quilca informs me that at 2 o'clock, P. M., the United States ship Franklin came to anchor, and her commander went on shore to pay his respects to the general-in-chief, through him, which was done with great politeness. The commandant says he returned these civilities in my name, to the commodore, who said he would sail the same day, but would return within eight days.

The following extract is from the same place and person: "The commander of the United States ship Franklin, on his return to the ship from this port, took in tow the launch of the schooner Quintanilla, anchored within a stone's throw of the shore, without having condescended to advise me of his resolution, who am the public commander of this port."

From Molliendo, under date of the 4th, the military commandant writes to me as follows: "At 9 o'clock this morning, six barges, equipped and armed with one hundred and thirty men from the United States ship Franklin, came into this port for the purpose of pursuing and capturing the privateer belonging to Chiloe. The ship and a schooner were yesterday discovered at a distance in chase of this privateer, but she, by fast sailing, easily escaped from them. The commanding officer, who has come on shore, assures me that the ship will anchor here to-day."

From the same place, and under the same date, a letter reads as follows:

"6 o'clock, P. M.—The ship Franklin has set her sails, and taken on board the six barges which I reported to you, in an official communication, as having anchored in this harbor this morning. The Franklin has directed her course towards Quilca. The Spanish privateer escaped from her, and sailed in the direction of Arica. A brig and schooner, armed and equipped by the commodore, have gone in chase, with orders to pursue and capture her."

These evident facts, commodore, occasion me great perplexity. On the one hand, the United States ship Franklin is seen, commanded by an officer who has sustained the most exalted character for prudence, circumspection, and other commendable qualities, and the government of that nation, which I have always considered as possessing good faith like an inherent virtue, in perfect harmony with the government of Spain; and on the other hand are exhibited the foregoing facts, wholly inconsistent.

I am persuaded that some strong motive of which I am ignorant, or which I do not comprehend, induced you to act as you have. But whatever it may have been, I cannot conceive of any just reason but a state of war between your government and mine, of which, if it do exist, I have not been apprised. If it do not exist, what reason can you propose sufficient to justify your conduct towards the schooner Quintanilla, which, of itself, might disturb the good intelligence subsisting between the United States and Spain? But suppose that the captain of this schooner may have committed acts of violence upon the vessels or commerce of the United States; has there been to this moment any claim presented by a citizen of those States, or by yourself? If justice and good faith are to be observed, should not a demand have been made before you assumed the infliction of vengeance? This should have been done, for a greater reason, because you could not have doubted, without injustice to the Spanish government in Peru, that your just complaints would be heard. But you preferred to use the law of force, opposed to all the principles of society and of nations, thereby doing great injury to Spain.

If your conduct towards the Quintanilla was not induced, as has been suggested, I am unwilling to believe that it arose from the supposition of her being a pirate, and not furnished with a commission. The captain of the schooner has a commission from the Governor of Chiloe, which can be shown; this, I trust, you will not consider insufficient, nor will I do you the injustice to believe that you will excuse, by this frivolous apology, a proceeding of important consequences, and which may interrupt the harmony and peace subsisting between friendly nations.

But whatever may have been your motives for pursuing, capturing or sinking the schooner Quintanilla, what reason can you assign for having taken a barge out of a port subject to Spanish arms, without giving information of it to the military commandant, with whom you had, but a moment previously, been conversing, having gone on shore under the honorable pretext of paying your respects to the government? What right had you for considering the barge as belonging to the Quintanilla, or any other vessel, whilst under the protection of the Spanish government, and had failed in no duty to the Spanish nation, nor offended against it? This act, commodore, I cannot but regard as a violation of the law of nations. The affair demands to be fully explained, and satisfaction to be made that shall remove unfavorable opinions that may have been formed. I hope, at the same time, that you will direct the barge to be returned to the place whence it was taken; and I may venture to assure you, in the name of his excellency, the

Viceroy, that whatever complaints you may have against the schooner Quintanilla shall be heard and satisfied. The foregoing I shall submit to his excellency, the Viceroy, that, with his approbation, that course may be pursued which justice may dictate in so delicate an affair.

God preserve you many years.

(Signed) GERONIMO VALDES.

YURA, *January* 7, 1824.

[Translation.]

To Commodore Stewart, of the United States ship Franklin:

With your letter of the 16th ultimo I received the copy you were pleased to enclose, of the treaties concluded between the United States and Spain, on the 27th of October, 1795, and your reply to Don Geronimo Valdes, general-in-chief of the army of the south, who addressed you a letter in relation to the motives that had induced you to pursue the Spanish privateer, Quintanilla, armed at Chiloe.

Informed of everything connected with the subject, I must say to you that there appears to have existed no reason why this privateer should have been considered as a pirate. By the royal order of February 8, 1816, a copy of which, certified by my secretary, I enclose to you, it will be seen that his Catholic Majesty, in consequence of the situation of these countries, grants to his subjects of Spain and America the power of arming their vessels at pleasure. The Quintanilla, therefore, or any vessel sailing in these seas as a privateer against the rebels or dissidents, cannot be considered as a pirate, having been commissioned by the legitimate authority of Spain. This is required by the war waged by the dissidents and the peculiar situation of these ultra-marine possessions.

I have before me the privateering ordinance of the year 1801, with which that of 1805, referred to in the above royal order, agrees; and as this ordinance of 1801 prescribes the regulations to be observed by privateers, I have transmitted a copy of it to the Governor of Chiloe, that it may be minutely enforced, and difficulties prevented. I would remark to you, that as the nineteenth article of this privateering ordinance authorizes privateers to visit merchant vessels of every nation, and to compel them to exhibit their commissions, passports, documents of ownership and bills of lading, &c., and if resistance should be made to this regular examination, to execute it by force, what you cite cannot be valid, nor can the articles of the treaty of October 27, 1795, between the United States and Spain; for it does not appear that it was ratified in all its parts by his Catholic Majesty in 1821. It follows, of consequence, therefore, that the privateering ordinance of 1801, being posterior to the treaty of 1795, to which you refer, must be in force.

Whatever may have been the conduct of the captain of the Chilocan privateer, the Quintanilla, it was not sufficient reason that you should have pursued her as an enemy. The criminal conduct of an individual, according to the law of nations, not legally proved, gives no other action than a demand for reparation of offences committed against the citizens of his nation; or rather a demand against the authorities of his Catholic Majesty, who would immediately have ordered the necessary measures to be taken for the punishment of the offender, and the just satisfaction of their claims to the complainants.

The case of the ship Arab, which you have mentioned to me, I believe has been settled, as appears from the enclosed copy of a letter from the Governor of Chiloe to his excellency, the general-in-chief of the army of the north, Don Jose Canterac. But if Williams, the interested party, have any further claim, let him make it in proper form, that justice may be rendered.

The notoriety of certain acts justifies me in suggesting to you that the dissidents of these countries have been treated with a consideration, both by the officers of the United States naval forces and by those of other nations, neutral towards Spain, which is not consistent with strict neutrality. It is well known that American, English and other merchant vessels are detained by armed vessels of the dissidents, who will not suffer them to unload at any port but at the one they may direct; *that* these vessels convey to the rebels munitions, arms, clothing for troops, and other articles of war; and *that* they afford transports to the expeditions against those who are here defending the rights of the nation and of the King. Aware of these facts, it is expected that you, who are so solicitous for the preservation of the rights of nations and of neutrality, will use measures to secure your fellow citizens from the attendant consequences; for you know, that it is not within my power or my duty to restore any vessel that shall be taken by a Spanish privateer, under commission from a legitimate authority, while transporting the rebel troops, or conveying to them arms and munitions of war. As the Viceroy and Captain General of Peru for his Catholic Majesty, I am authorized by the laws and various royal orders to use whatever means I may judge to be proper, for preserving these countries an integral part of the monarchy.

The character for virtues which you sustain induces the hope that the facts and reasons advanced will cause every difficulty to be removed, that might affect the consideration due to the citizens of the United States, or disturb the relations that subsist between the two nations.

God preserve you many years.

(Signed) JOSE DE LA SERNA.

CUZCO, *February* 4, 1824.

[Translation.]

To Commodore Charles Stewart, commanding United States naval forces in the Pacific:

Don Geronimo Valdes, general-in-chief of the army of the south, Maréchal de Camp, has done me the honor to appoint and empower me, in due form, to receive from you an exposition of the motives that induced you to pursue the Spanish privateer, General Quintanilla, of Chiloe, as an enemy's vessel, and to demand of you reparation of the injuries inflicted on this privateer, and of the insult offered the nation, in the person of Lieutenant Colonel Don Juan Diaz del Rivero, military commandant of this port, whom you obliged to return, when, on the 29th, he was proceeding, in a boat, to give instructions to the captain

of this privateer, which was then in sight. This last act was, of itself, a tacit declaration of blockade; and your public and well known pursuit of the Spanish privateer Quintanilla; your perseverance in dispatching and placing at various points, and repeatedly, your armed barges; the capture of seven men of the crew of this privateer, whom you retained in confinement on board your ship, and the bold and daring act of taking her boat from this harbor, are evident acts of hostility, by an enemy of the Spanish nation. It is the object of my commission, therefore, and the desire and instruction of the general, that these unpleasant and unexpected occurrences should be explained and adjusted, in a friendly manner, so as not to disturb or weaken the harmony that has happily prevailed between the United States and Spain.

I thought it proper to defer any official demands, and with this view, I yesterday repaired on board your ship, conceiving that a verbal conference would tend to settle these affairs speedily, and in a friendly manner. But, unfortunately, and much against my hopes and wishes, I perceived, with regret, that my reasons and arguments, used to convince you of the injustice of your conduct, were ineffectual. Being compelled to abandon the measures of respect and deference heretofore observed towards you by the government of Peru, I demand of you, definitively, an explanation of your conduct in the acts before mentioned, and reparation for the insult thereby offered to the Spanish nation, and more immediately to the government here representing it. Its chief authority, though characterized for moderation and goodness, cannot be indifferent to acts which wound too deeply the honor, respect, and just pride of Spaniards, whom you evidently wish to insult, by denying to them the consideration paid by you to the gangs of the dissidents, and by respecting their illegal and unrecognized flags, and declining to prosecute with becoming earnestness and integrity the claims of numerous citizens of the United States who have suffered injuries from them.

The just and regular conduct of the superior government of Peru are well known. This, and its dependence on a nation which has always furnished proof of its disposition to satisfy complaints, and repair injuries, should have dissuaded you from assuming to yourself the execution of justice, against the captain of the Quintanilla, for any infractions of treaties or conventions existing between the two nations. The consequence of your caprice and perseverance, in the pursuit of this vessel, has been, to drive her from the harbors and ports of this coast; the superior government of Peru has, therefore, been unable to give orders and instructions for her movements, and to observe her conduct. I shall hold you responsible, in the name of the Spanish government, which I represent, as is shown by a copy of my commission, which I yesterday submitted to you, for all the injuries that have been or may be done to this privateer, by the vessels of the United States, as also for those arising from measures of retaliation pursued by other citizens of those states, and in relation to which you have, arbitrarily and unjustly, erected yourself into a judge, where you are not competent, and by your illegal proceedings have prevented the legitimate Spanish government from acting in this matter, as was proper.

I expect that you will be pleased to reply to me, that I may communicate to his excellency, the Viceroy of Peru, to whom I have transmitted this note, by General Valdes.

God preserve you many years.

(Signed) RAFAEL PERO.

QUILCA, *February* 5, 1824.

Minutes of the proceedings of a general court-martial, at Brooklyn, in the State of New York.

TUESDAY, *November* 30, 1824.

The court met pursuant to the adjournment of yesterday, and adjourned until to-morrow morning at half-past nine o'clock, in consequence of the non-attendance of the principal witnesses on the part of the prosecution, in the case of Lieutenant Joshua R. Sands.

WEDNESDAY, *December* 1, 1824.

The general court-martial, convened on board the United States ship the Washington, at the Navy yard at Brooklyn, on Monday, the fifteenth day of November, one thousand eight hundred and twenty-four, by virtue of the precept of the honorable the Secretary of the Navy, bearing date of the 26th of October, one thousand eight hundred and twenty-four, the original of which is annexed to the record in the case of Lieutenant William A. Weaver, and a copy thereof hereunto annnexed and marked A, and adjourned by virtue of a warrant from the honorable the Secretary of the Navy, bearing date the 17th day of November, 1824, the original of which is also annexed to the record in the case of Lieut. William A. Weaver, and a copy thereof is hereunto annexed, marked B, and now in session at the Marine barracks at the Navy yard at Brooklyn, proceeded this first day of December, one thousand eight hundred and twenty-four, pursuant to the adjournment of yesterday, to the trial of Lieutenant Joshua R. Sands, upon certain charges and specifications exhibited against him.

Present: Captain William Bainbridge, president; Captains Jacob Jones, John D. Henley, Jesse D. Elliott, Master Commandant George C. Read, members; Masters Commandant Wolcott Chauncey, William B. Finch, supernumeraries.

Lieutenant Joshua R. Sands appeared in court to answer the charges preferred against him. The question was then proposed by the judge advocate to the accused, whether he had any objections to the members of the court, to which he replied that he had none.

The charges and specifications were then read to the accused by the judge advocate, annexed to the record, and marked C.

On the part of the prosecution, no witness appeared to establish the fact of the arrest stated in the specifications, whereupon the accused produced a letter from Lieutenant John Harris, of the marine corps, by whom he had been arrested, stating the particulars thereof, which, by consent, was read in evidence, annexed to the record, and marked No 1.

Lieutenant Sands then read to the court the annexed paper, marked No. 2.

Robert W. Jones, a midshipman in the navy of the United States, a witness produced, sworn and examined on the part of the prosecution, testified as follows:

Question. Were you a midshipman attached to the Franklin in January, 1824?

Answer. I was.

Ques. Do you recollect the expedition sent from the Franklin on the 4th of January last, under the command of Lieutenants Ridgeway and Ogden?

Ans. I do; the object was to intercept an armed vessel, supposed to be a pirate, which had boarded several American vesels in the neighborhood of Molliendo.

Ques. Do you recollect Mr. Sands being on board one of the boats?

Ans. I did not see him.

Cross-examined by the accused:

Ques. Have you understood, and do you believe Mr. Sands was in that expedition?

Ans. I was told he was in the boat.

Ques. When the boats landed, did Mr. Sands land and participate in the pleasures of the other officers on shore?

Ans. I did not see him during the whole expedition. The officers did land and amuse themselves on shore; I was in company with them, but did not see Mr. Sands.

Lieutenant William M. Hunter, a witness produced, sworn and examined, testified as follows:

Question. Were you the first lieutenant of the Franklin, during her late cruise to the Pacific?

Answer. I was.

Ques. What was the 7th article of the rules and regulations for the government of that vessel?

Ans. No person is to be confined or arrested but by order of the commanding officer.

Ques. (By the court.) What was the general character of Mr. Sands as an officer; was his conduct of so refractory a kind as to require uncommon rigor?

Ans. Not while I was on board. I had been on board with him during the whole cruise up to within two or three days before his arrest, in October, 1823.

The evidence being closed, the court adjourned till two o'clock P. M., to receive the defence of the accused.

The court opened pursuant to the adjournment. The accused appeared, and read his defence, which is annexed, and marked D.

The court was cleared, and the proceedings being read over by the judge advocate, and the court proceeded maturely to deliberate upon the charges, specifications, evidence, and defence, and having considered the same, is of opinion that the specification of the first charge is not proved, inasmuch as it is of opinion that the said Joshua R. Sands was not under a legal arrest at the time of his absenting himself from the Franklin, on the fourth of January, 1824, and therefore that the accused is NOT GUILTY of the first charge.

In regard to the specification of the second charge, the court is of opinion that the facts being admitted by the accused, the specification is proved. But it is also of opinion that Lieutenant Sands has already been punished by a most rigorous confinement beyond the degree of his offence. The court cannot, therefore, adjudge any punishment, and does ACQUIT the accused of the second charge.

WM. BAINBRIDGE.
J. JONES.
J. D. HENLEY.
J. D. ELLIOT.
GEO. C. READ.

RICHARD S. COXE, *Judge Advocate.*

The court then adjourned till half-past nine o'clock to-morrow morning.

A.

To William Bainbridge, Esq., captain in the navy of the United States:

Certain charges of misconduct having been alleged against William A. Weaver, a lieutenant in the navy of the United States, and others, a general court-martial, to consist of Captain William Bainbridge, president, Captains Jacob Jones, Lewis Warrington, William M. Crane, John D. Henley, Jesse D. Elliot, and Master Commandant George C. Read, members, and Masters Commandant Wolcott, Chauncey, and William B. Finch, supernumeraries, or any five or more of them, is hereby authorized and ordered to assemble on board the United States ship Washington 74, at the Navy yard at Brooklyn, in the State of New York, on Monday, the fifteenth day of November next, for the trial of the said persons for the offences of which they do severally stand charged, which charges, together with the testimony in support of them, will be laid before the court by the judge advocate.

And Richard S. Coxe, Esq., is hereby appointed judge advocate to the court hereby ordered to assemble; and if he should decline acting, the said court will appoint such other suitable gentleman, learned in the law, to discharge the duties of judge advocate to the said court, as they, or a majority of them, may, in their wisdom, deem fit and proper.

In faith whereof, I have hereunto signed my name, and affixed the seal of the Navy Department
[SEAL.] of the United States, this twenty-ninth day of October, in the year of our Lord one thousand eight hundred and twenty-four, and of the independence of the United States the forty-ninth.

SAM'L L. SOUTHARD.

B.

To the court-martial now assembled on board the United States ship Washington 74, at Brooklyn, New York, of which William Bainbridge, Esq., is president:

You are hereby authorized to adjourn the court to such place as you shall consider most proper, within the limits of the Navy yard at Brooklyn, and to hold your sessions upon such adjournment.

Given under my hand and the seal of the Navy Department, this seventeenth day of November,
[SEAL.] in the year of our Lord one thousand eight hundred and twenty-four.

(Signed) SAM'L L. SOUTHARD.

C.

Charges and specifications exhibited against Joshua R. Sands, a lieutenant in the navy of the United States, prepared by Captain Charles Stewart.

CHARGE FIRST—DISOBEDIENCE OF THE ORDERS OF HIS COMMANDING OFFICER.

Specification. In that the said Joshua R. Sands did, on or about the 4th day of January, 1824 (sea time), withdraw himself while under arrest, contrary to the 30th article of the rules and regulations for the better government of the navy of the United States, from the limits assigned him by his commander, which limits had been notified to the said Joshua R. Sands, on the 9th of October and 3d of November, 1823, through Lieutenant John Harris.

CHARGE SECOND—ABSENTING HIMSELF WITHOUT LEAVE.

Specification. In that the said Joshua R. Sands did absent himself from the United States ship Franklin, to which vessel he was attached, while at sea, without leave or permission, on or about the 4th and 5th days of January, 1824.

RICHARD S. COXE, *Judge Advocate.*

No. 1.

FRANKLIN 74, *June* 8, 1824.

SIR: In answer to your note of last evening: On the 8th of October, I was ordered by Commodore Stewart to suspend you, and order you to confine yourself to the limits of the ward room, with the privilege of going forward on the upper gun deck, for the purpose of satisfying nature's calls. On the 9th I was ordered by Lieutenant Hammersley to take you to your room, and on reporting it to Commodore Stewart, he approved of it, and said you would remain there until further orders, with the privilege of going forward on the main deck as before, of which I informed you at the time. On the 3d of November I received from Commodore Stewart a copy of charges and specifications, accompanied with a written order to arrest you, and assign to you the limits prescribed on the 9th of October.

Very respectfully, your obedient servant,

(Signed) JNO. HARRIS.

Lieutenant JOSHUA R. SANDS, *U. S. Navy.*

No. 2.

Mr. President and gentlemen of the court:

I do not wish to consume your time by counsel, nor will I deny anything which I have done.

That I did leave the Franklin, is true. To account for this dereliction from the orders I had received, I beg leave, most respectfully, to submit to the court the following reasons, not with a belief that I shall escape all censure or disapprobation, but that the court will take into consideration the motives and causes that could so far influence me to conduct myself in such way as to bring myself before its cognizance. The first circumstance to which I solicit the attention of the court is my confinement, which was imposed by an officer other than the commanding officer, which order I conceived to be a violation of the 30th article of the rules and regulations for the better government of the navy of the United States. The next point to which I would draw the attention of the court, is that the long and unprecedented confinement which I was compelled to endure, in a small room on board a ship, infected, a part of the time I was thus confined, with the small pox, was in defiance of the 7th article of internal rules and regulations of the ship to which I was attached, which rules and regulations were, at the time, and had been from the commencement of the cruise, hung up at the cabin door, for the instruction and guidance of all on board. Another circumstance, which, with deference to the court, I submit to its consideration, is that of my arrest, which, as I conceived at the time, took place when confined, and not when, subsequently, furnished with a copy of charges and specifications. I am not ignorant that, with respect to furnishing the accused with a copy of charges and specifications, and making a demand of his side-arms, without a reference to his former confinement, is according to custom. How far such custom is in conformity to law, gentlemen, you will decide. The foregoing circumstances attending the horrible confinement to which I was consigned by an unauthorized person, induced me to believe (in which belief I was confirmed by the opinions of others whom I consulted on the subject) that my confinement was an illegal one, consequently my leaving it was no violation of law. How far I was right I most respectfully submit to this court to say.

Therefore, to the first charge I plead not guilty.

The second charge I admit, and have little more to say than that on the occasion I was influenced by a feeling common to us all—as common to you, gentlemen, as I hope it will ever be inseparable from me.

I trust that I may be permitted to show to this court that a hope of achieving some act that might relieve my person from a cruel and unnecessary torture, was the sole cause of my leaving the Franklin for a few hours. With these remarks I am ready for trial.

D.

Mr. President and gentlemen of the court:

After a lapse of nearly thirteen months, during eight of which I have been compelled to endure confinement and sufferings unparalleled in the history of our navy, I stand before you to answer to charges unsupported by any other testimony than such as I myself have produced before this court. Before entering into an examination of the evidence, I beg leave to enter into a brief detail of circumstances attending my arrest and long confinement. When the Franklin, to which ship I have been attached for nearly the last four years, was at Valparaiso, in October, 1823, a dispute occurred between Lieutenant Hammersley (who, in the absence of Lieutenant Hunter, assumed the duties of first lieutenant) and myself, which led to a meeting on shore, where, having been for some time, circumstances made it necessary to meet at an adjourned time, during which interval I received an order to repair on board by ship. The engagement I was under to remain where I was, induced me, on the receipt of my orders, to write a note to my commander, requesting him to put a favorable construction on my conduct and non-appearance, which note was returned by the officer who waited on me, by the directions of my commander. The time appointed for the meeting between Lieutenant Hammersley and myself having elapsed without any answer to my note, or performance of the engagement on the part of Lieutenant Hammersley, I conceived the causes that led to a moment's hesitation to compliance with the directions of my commander to have ceased, and I repaired, as ordered, on board my ship. When there, I received orders to consider myself suspended, and to confine myself to the limits of the ward room, with the privilege of going forward as nature's calls made necessary. Of this I had no right to complain, but at the same time I felt aggrieved when I found myself alone subjected to a suspension from duty, while the man who had called me on shore to satisfy the calls of his aggrieved honor, and who there left me under an express agreement to meet him again the ensuing morning, (whereby I was drawn into a difficulty with my commander,) was suffered to go at large, which I believe would not have been the case had I or any of my friends been asked an explanation of the circumstances.

On the second day of my suspension by the commanding officer, Lieutenant Hammersley came down into the limits to which I had thus been confined. It has appeared on a former trial that Lieutenant Hammersley put himself into the narrow path where I was at the time, and had been some time previously walking, and that I could not, without running over him, have pursued it. Gentlemen, I will acknowledge that on a recollection who this man was that thus pertinaciously put himself in my path, I did so far forget the warning voice of prudence as to reproach him for his ungenerous conduct, whereupon he took on himself the liberty, without consulting his commanding officer, to order me to my room, enforcing his order by the assistance of the officer of marines. Gentlemen, the document from Lieutenant Harris, the officer of marines, which I have furnished, and which is the only testimony for or against me before this court, will show how far what I have now stated with respect to the close confinement can be substantiated.

Far be it from me to make any unmanly appeal to your feelings or sympathy, by painting to your imaginations the horrors of a close confinement in a ship unhealthy from a disease of a vile and virulent nature, or the pangs of suspected virtue, endured by a belief that my enemies had the will and the power to represent my conduct in the most unfavorable light, without an opportunity on my part to rebut the stories propagated to my disadvantage. Confined thus, like a malefactor, unheard, unpitied, such, gentlemen, was my case. Pent up in a small state room, damp and cheerless in the extreme, denied the privileges even of eating or associating, except in my apartment, with my brother officers; in such a situation I suffered for the space of eight months, my health suffering so much under these circumstances as to induce a number of my brother officers to make an affecting representation of my situation to my commander. Still was the unrelenting hand of severity upon me, and so continued until the surgeon made several official reports, which finally procured me a little alleviation. Sufferings like mine cannot but excite the sympathy of every generous heart, and I trust they will be taken into consideration, and go far towards mitigating any punishment I may have deserved in the first instance.

The motive that influenced me to take the step I did was one which, I confess, led me to hope would never be arraigned. Indeed, I had reason to hope further, under the circumstances of the case; and admitting that my confinement was a legal one, that whenever it should have been discovered by my commander that I had thus secretly stolen away from my hard confinement to give all my feeble aid in the detection and punishment of a *pirate*, the motive would have been generously received as an atonement for the offence specified in the second charge. I had even the vanity to expect praise instead of censure. It is a well known fact to the officers of the expedition, and corroborated by the evidence, that my object was not pleasure or mere evasion of the limits of my confinement. The expedition of boats was preparing; I could hear from my prison the different parties congratulating each other on the prospect of an engagement with the enemy in the course of an hour or two. The night was favorable to the complete success of the enterprise. The pirate was said to be in sight, and every consideration was unheeded except that which led me to hope I might achieve something that would draw on me the praise of my commander, or at least gloss over the indiscretion I was about to commit. Gentlemen, it was the only time I ever left the limits assigned me, and I trust that this fact will not be lost sight of in making up your decision. It must be conceded that the protection of the same laws under which I am now arraigned for a violation on my part, ought not to be withheld when it is proven that I have been proceeded against illegally, not to say with unnecessary severity and rigor. The facts which I wish you to bear in mind, are, that I was confined to a close room by a person other than the commanding officer, on the 9th of October; on the 3d of November I was furnished for the first time with a copy of my charges, and it is with deference to the court that I refer you to the 30th and 38th article of the rules and regulations of the navy, and to the 7th article of the internal rules and regulations of the ship on board of which I have suffered so much. I was unprepared with my defence, but I have endeavored in the course of the two hours which the court were kind enough to indulge me, to place the motives of my conduct in their true light, and to call your attention to the extraordinary treatment I have received while a prisoner. I cannot but indulge the hope, that even should you consider the former proceedings against me legal and in conformity to the laws of our courts, the motive that led me to pass the bounds assigned me was in some degree venial. I confess that in this view, I must throw myself entirely on your lenity, and with this acknowledgment, leave my case to your decision.

JOSHUA R. SANDS.

TUESDAY MORNING, *December* 7, 1824.

The court met pursuant to the adjournment of yesterday, for the purpose of proceeding to the consideration of the case of Lieutenant William M. Hunter, but in consequence of Lieutenant Hunter not appearing, and there being no other business before them, they adjourned till to-morrow morning at half-past 9 o'clock.

WEDNESDAY, *December* 8, 1824.

The court met pursuant to the adjournment of yesterday; Lieutenant Hunter did not appear, and the judge advocate, by order of the court, made a communication to the honorable the Secretary of the Navy on the subject. The court then adjourned till to-morrow morning at 10 o'clock.

THURSDAY, *December* 9, 1824.

The court met pursuant to the adjournment of yesterday. The judge advocate submitted to the court the annexed communication from the honorable the Secretary of the Navy, bearing date the 6th day of December instant, and the record in the case of Lieutenant Joshua R. Sands.

The court resumed the consideration of the said case, and having maturely deliberated upon the same, is of opinion that the specification of the first charge is not proved within the true meaning and spirit thereof, and therefore does adjudge the said Joshua R. Sands is NOT GUILTY of the first charge.

In regard to the specification of the second charge, the court is of opinion that the facts being admitted by the accused, the specification is proved, and therefore it does adjudge that the said Lieutenant Joshua R. Sands is GUILTY of the second charge. But the court is also of opinion that the said Joshua R. Sands, in the manner in which he admitted himself to have acted, has evinced no spirit of insubordination, and no inclination to evade or neglect duty, and therefore cannot adjudge any punishment.

WM. BAINBRIDGE.
JAS. JONES.
J. D. HENLEY.
J. D. ELLIOTT.
GEO. C. READ.

RICHARD S. COXE, *Judge Advocate.*

NAVY DEPARTMENT, *January* 3, 1825.

The sentence of the court upon the second charge is approved. The finding of the court upon the first charge is not approved. Lieutenant Sands did not confine himself to the limits assigned by the orders of his commanding officer, but left them, not from necessity but choice. He was therefore guilty of disobeying those orders. But although the finding is not approved, yet yielding credit to the motives and feelings which he urged in his defence, he is hereby restored to duty, in conformity with the decision of the court.

(Signed) SAM'L L. SOUTHARD.

A communication was received from Chandler Price, Esq., of Philadelphia, addressed to Captain George W. Rodgers, commandant of the Navy yard at Brooklyn, stating that it was written at the request of Lieutenant Hunter, who was sick at his house, and who had been confined to his bed for several days; whereupon the judge advocate was directed to make a communication to the government and request instructions.

The court then adjourned till to-morrow morning at 10 o'clock.

NAVY DEPARTMENT, *December* 6, 1824.

SIR: I return the proceedings in the case of Lieutenant Joshua R. Sands, with a view that the same may be reconsidered by the court before the decision of the Department, approving or disapproving the finding, be made.

The points to which the attention of the court is desired are, 1st, the finding under the first specification of the first charge. The court decides that Lieut. Sands was not under a legal arrest at the time of absenting himself. That time was in *January*, 1824. On the 3d *November, preceding,* Commodore Stewart, his commanding officer, by Lieut. Harris, gave him a written order of arrest, furnished the charges and specifications, and assigned his limits. These limits he left. It is not perceived in what the arrest was illegal, for it is manifest that none of the previous or subsequent acts could invalidate an arrest perfect in itself. The previous suspension and confinement to limits, the order of Lieut. Harris, and the subsequent confinement, cannot, in any degree, affect its legality, however they may present matters of mitigation towards him, or charges against others. It is not intended, now, nor is it believed to be proper, to express any opinion respecting them, because they are not the questions to be tried by the court. But if they were all admitted to be harsh, illegal, and unjustifiable, still the question whether the arrest was legal would not be affected by them. The second point to which I request the attention of the court is the finding under the second charge. The charge is, absenting himself without leave. The specification states the time and place. The accused admits its truth, pleads guilty both on the trial and in his written defence, and yet the court acquit him; in other words, say that he is not guilty. The fact and the admission of the accused are both denied by the finding. The reason assigned, viz., his subsequent confinement, has no connection with the truth of the fact. The court was not called on, nor had it the authority to try the nature or extent of Lieut. Sands' imprisonment. It might have been produced or continued by other and higher considerations, not shown to the court. They were called on to pass on the simple fact of his

absence without leave; and although he admits that he was absent without leave, yet, because he has since been rigorously confined, the court declare, in effect, that he was not absent without leave.

It is suggested to the court to consider whether it be not proper to pass upon the charge according to the fact and the admission of the accused. The extent of the punishment is a subsequent consideration, which the court will measure according to the view which it takes of the whole case.

I am, very respectfully, sir, your most obedient servant,

(Signed) SAM'L L. SOUTHARD.

Captain Wm. Bainbridge, *President General Court-Martial, New York.*

Further proceedings of the general court-martial convened at the Navy yard, at the city of Washington, on the seventh day of July, in the year eighteen hundred and twenty-five, and continued by adjournment, from day to day, and now in session at the building on Capitol hill.

Tuesday, *August* 16.

Having completed the proceedings in the case of Lieutenant Whitlock, Lieutenant William M. Hunter appeared in court to answer to the charge exhibited against him. Being asked whether he had any objection to make to any of the members of the court, he replied that he had none.

The judge advocate then read the charge and specification, which were annexed to the record and marked A. The accused being called upon to plead to the same, submitted and read to the court the paper which was annexed to the record, and marked B.

Whereupon the judge advocate stated that he had a deposition taken in this case, which, at the request of the prosecutor and with the consent of the accused, he would submit to the consideration of the court. He then read certain interrogatories addressed to Mrs. Delia T. Stewart, with her answers to the same, regularly sworn to in due course of law, which were annexed to the record and marked C.

The judge advocate then stated to the court that the fact charged being admitted by the accused, he should not offer any further testimony to substantiate the same; whereupon the court was cleared to deliberate upon the matters aforesaid, and having maturely considered the same, the court is of opinion that the specification is so far proved as that the accused was the first lieutenant of the said United States ship Franklin; that said Madrid, therein mentioned, was on board the same vessel at the time therein mentioned, with the knowledge of the accused, and carried in her from Callao to Quilca, and that the accused did not report the said circumstance to his commanding officer, Captain Charles Stewart; but it is not proved that the said individual was received or permitted to be received on board by the accused, or with his knowledge or consent; that these facts are proved by the distinct admission of the accused, entered on the record.

The court is also of opinion that the accused is not guilty of the charge, and therefore acquits him of the same.

(Signed) JAMES BARRON, *President.*
JAMES BIDDLE.
ROBT. TRAILL SPENCE.
JNO. DOWNES.
J. D. HENLEY.
J. D. ELLIOTT.
JAMES RENSHAW.
THOS. BROWN.
CHS. C. B. THOMPSON.
ALEX. S. WADSWORTH.
GEO. W. RODGERS.

Richard S. Coxe, *Judge Advocate.*

Approved August 17, 1825.

SAM'L L. SOUTHARD.

A.

Charge and specification exhibited against William M. Hunter, a lieutenant in the navy of the United States, by Captain Charles Stewart.

CHARGE—NEGLECT OF DUTY.

Specification. In that the said William M. Hunter, some time in the year 1822, then being the first lieutenant of the United States ship Franklin, seventy-four, under the command of Commodore Charles Stewart, in the Pacific ocean, did receive, or permit to be received, on board said ship, while in the port of Callao, a foreigner, called by the name of Madrid, or by some other name, without informing his said commanding officer, as he was in duty bound to do, at that time, or at any time afterwards, that such person was on board, which said person was transported in said ship Franklin from the above-mentioned port of Callao to the port of Quilca.

B.

In the case of Lieutenant William M. Hunter, before the general court-martial now in session at the city of Washington.

Interrogatories to be proposed on the part of the prosecution to Mrs. Delia T. Stewart:

First. Were you on board the United States ship Franklin, commanded by Captain Charles Stewart, during her late cruise in the Pacific?

Second. Do you know whether, while the said ship was lying at Callao, a certain Spaniard, called Madrid, came on board of the said vessel? If yea, state by whose request, under what circumstances, in what manner, and for what purpose the said Madrid came on board the Franklin?

Third. By whose assistance and agency was the said Madrid brought on board the Franklin; how long did he continue on board; in what part of the said vessel did he live; what was his occupation; when and how did he leave the vessel; and with whose assistance, knowledge and agency?

Fourth. During the period that the said Madrid remained on board the Franklin, was the fact of his being so on board ever communicated or reported to the said Captain Charles Stewart by any one; was the said circumstance known to him, as you know or believe? Did you communicate the circumstance yourself? If not, why did you not?

Fifth. Who was the said Madrid? Was he at the time in the military or other service of either of the contending parties in South America? Did he come on board the Franklin from the shore, or from a vessel, and what vessel, then lying at Callao?

(Signed) RICHARD S. COXE, *Judge Advocate.*

Replies to the annexed interrogatories:

First. I was.

Second. I do. Madrid came on board the United States ship Franklin at Callao, as she was getting under way for sea, bringing me a letter of recommendation from the Countess of Valle Ermosa, whom I had seen very frequently, and who had been a passenger with the said Madrid from Rio Janeiro to Quilca and Callao. He also brought me a verbal recommendation from Dona Rosita Panizo, who resided at Lima, and in whose house the countess was staying. He informed me that the Diana, a Genoese vessel, in which he was a passenger from Rio Janeiro, had been taken by a patriot cruiser as she was entering a port of the Intermedois, and that since her arrival at Callao they had been in daily expectation of her getting cleared, which had prevented his taking out a passport. In consequence of this neglect he had become obnoxious to the authorities; that he expected hourly to be imprisoned, and probably shot. He implored me to save his life by allowing him to remain on board. He was an entire stranger to me. I told him that I had no authority to allow him to remain; but finally I yielded to the recommendation of the two friends whom I have mentioned, to the testimony which Madrid bore to his own innocence, and to his impressive appeals to my humanity. His story appeared to be true and lamentable, and I could not summon sufficient resolution to request him to depart.

Third. I know not by whose assistance or agency the said Madrid was brought on board the Franklin. He remained there during the passage from Callao to Quilca. He lived in the pantry with the cabin steward, Peter Burch. I ordered the said steward to take care of the poor man and give him sufficient to eat. I know not what his occupation was while he remained on board the United States ship Franklin, as I only conversed with him for about ten minutes when I first saw him, and never afterwards, during the period that he remained on board, renewed any conversation with him. I know not how he left the ship, or by whose knowledge, assistance or agency.

Fourth. Whilst the said Madrid remained on board the United States ship Franklin, the circumstance of his being there was never made known to Captain Charles Stewart. About a year after the said Madrid left the ship, the said Captain Charles Stewart first became acquainted with the fact, to the best of my knowledge and belief. I myself did not inform him of it, supposing that if he were entirely ignorant of the said Madrid's being on board, no censure could possibly be attached to him; but that if he knew it, he would find himself under the painful necessity of surrendering an unfortunate human being to his merciless pursuers. I wished to take the whole responsibility on myself; at the same time, I was under the impression that the act could never be seriously misconstrued, and that it never in any way could affect myself or the character of the ship.

Fifth. I knew nothing of the said Madrid at the time he presented himself to me but from his own testimony and the recommendations of the two ladies who interested me in his behalf. He wore no uniform, and did not inform me that he was, or had been, in the military service of either of the contending parties in South America, or that he was, or ever had been, employed in any way in the service of either of them. Neither did the countess of Valle Ermosa mention his profession or pursuits in her letter to me. I was told, a year after the said Madrid left the United States ship Franklin, when the circumstance became a subject of inquiry, that, at the time he first came on board, he was lieutenant in the royalist army, on furlough. But this fact I only know from report, and cannot positively affirm. He came on board the United States ship Franklin from the Diana, a Genoese merchant vessel lying at Callao, as he himself informed me.

(Signed) DELIA TUDOR STEWART.

MASSACHUSETTS, *Essex, ss., August* 9, 1825.

Then the above-named Delia Tudor Stewart made solemn oath to the truth of the foregoing statement of facts, before me.

(Signed) ELIJAH DOWNING, *Justice of the Peace.*

C.

To the president and members of the court:

GENTLEMEN: Conceiving it necessary that some cause should be assigned for not reporting to Commodore Stewart the man named in the specification, and to which part I plead guilty, though not guilty of the charge, I submit the following explanation to the court.

In justification of my conduct, I beg leave to state that on the last of September, 1822, the United States ship Franklin, under the command of Commodore Charles Stewart, sailed from the harbor of Callao. On the same evening, at sea, a stranger was reported as being in the pantry attached to the cabin. On inquiry, the cabin steward informed me Mrs. Stewart had directed him to take care of this man; and believing the order would not have been given without the commodore's knowledge, I did not report it to him, not conceiving it to be my duty to do so. Other reasons, also, induced me to adopt this course. The door of the pantry, in which this man was placed, was frequently open and subject to the inspection of all who passed it. Under these circumstances, it cannot appear extraordinary that I should feel satisfied in my own mind that the commodore was acquainted with the fact of the man being in the pantry. It was known to almost every person on board. This man was also frequently employed by the cabin steward in cleaning knives and forks, and, except his remaining pretty constantly in the pantry, it did not appear to be wished to have him concealed. He remained in the same apartment during our passage to Quilca, about three weeks. In what manner he came on board or left the ship was never reported to me, and under the belief I then was, never inquired.

In October, 1823, the ship lying in the harbor of Valparaiso, Commodore Stewart sent for me (I was sick on shore) and informed me then, and for the first time, he had been informed of this man being on board. I informed him that my reason for not reporting it was his being in one of the apartments of the cabin, and my belief that he was acquainted with the fact. This was the only conversation we had on the subject. In justice to Commodore Stewart, I must state the great distress he was in at that time induced me to believe he had not known it before.

There was nothing in his manner then, or during the remainder of the cruise, towards me, that led me to believe he attached blame to me. I remained by the ship until she was delivered to the Navy yard at Brooklyn, N. Y., and the charge preferred by Commodore Stewart, in November, 1824, was the first intimation I had on the subject.

All of which is most respectfully submitted.

(Signed) WILLIAM M. HUNTER.

WASHINGTON, *August* 16, 1825.

19TH CONGRESS.] No. 284. [1ST SESSION.

STATEMENTS IN RELATION TO THE NAVY PENSION FUND IN 1825.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 27, 1826.

NAVY DEPARTMENT, *January* 26, 1826.

SIR: In obedience to the act of Congress for the better government of the navy of the United States, I have the honor, on behalf of the commissioners of the navy pension fund, to transmit herewith the annual statement in relation to that fund, as follows:

A. Statement of United States stock belonging to the navy pension fund.
B. Statement of bank stock belonging to the navy pension fund, and abstract of warrants drawn by the Secretary of the Navy upon the treasurer of the navy pension fund.
C. Account of Thomas T. Tucker, Treasurer, with the commissioners of the navy pension fund.
D. List of navy pensioners, and the pensions allowed to each.

All which is respectfully submitted.

SAM'L L. SOUTHARD.

The honorable the SPEAKER *of the House of Representatives.*

A.

Statement of stocks on the books of the Treasury, to the credit of the Secretary of the Navy, the Secretary of the Treasury, and the Secretary of War, for the time being, commissioners of the navy pension fund, with the interest which accrued during the year 1825.

Stocks.	Principal.	Commencement of interest.	Interest for the year 1825.	Unredeemed principal, 31st December, 1825.
Three per cent	$30,895 93	January 1, 1825	$926 88	$30,895 93
Six per cent. of 1812	79,000 00	January 1, 1825	3,555 00	
Six per cent. of 1813 (sixteen million loan)	18,400 00	January 1, 1825	1,104 00	18,400 00
Six per cent. of 1813 (seven million and a half loan)	134,235 02	January 1, 1825	8,054 08	134,235 02
Six per cent. of 1814 (ten million loan)	279,634 72	January 1, 1825	16,778 08	279,634 72
Six per cent. of 1814 (six million loan)	201,236 09	January 1, 1825	12,074 16	213,586 09
Six per cent. of 1814 (six million loan)	12,350 00	July 1, 1825	370 50	
Six per cent. of 1815	43,814 41	January 1, 1825	2,628 88	43,814 41
Treasury note, six per cent	2,815 00	January 1, 1825	42 23	
Four and a half per cent. of 1824	150,000 00	October 1, 1825	1,687 50	150,000 00
Total	$952,381 17		$47,211 31	$870,566 17

Unredeemed amount of principal on 31st December, 1824		$789,836 39
Deduct stock paid off, viz:		
On the 1st January, 1825, exchanged six per cent. of 1812	$4,504 86	
On the 1st April, 1825, Treasury note six per cent	2,815 36	
On the 1st October, 1825, six per cent. of 1812	79,000 00	
		86,320 22
		$703,516 17
Add stock purchased, viz:		
Six per cent. of 1814, loan of $6,000,000	$17,050 00	
Four and a half per cent. of 1824	150,000 00	
		167,050 00
Unredeemed amount of principal, 31st December, 1825, as above		$870,566 17

JOSEPH NOURSE, *Register.*

TREASURY DEPARTMENT, *Register's Office, January* 25, 1826.

B.

Statement of bank stocks belonging to the navy pension fund.

	Nominal value.	Amount of costs.
890 complete shares Columbia Bank stock	$89,000 00	$95,902 60
90 short shares Columbia Bank stock	3,600 00	3,600 00
700 shares Washington Bank stock	14,000 00	14,260 00
600 shares Union Bank stock	15,000 00	15,340 50
	$121,600 00	$129,103 10

T. WATKINS.

TREASURY DEPARTMENT, *Fourth Auditor's Office, January* 26, 1826.

Abstract of warrants drawn by the Secretary of the Navy on the Treasurer of the United States, on account of "navy pension fund," from the 1st of January to the 31st of December, 1825, inclusive.

Date.	No.	In whose favor drawn.	Amount.
January 6.	248	Eliza L. Pearce, Erie, Pennsylvania, for her pension from 1st of July, 1824, to 1st of January, 1825	$120 00
January 11.	249	The president of the Branch Bank United States, at Cumberland, Maine, to pay pensions	40 00
January 12.	250	Joseph Watson, attorney of Jas. Tull, for his pension from 29th July, 1816, to 1st July, 1824	475 33
February 14.	251	The president of the Branch Bank United States, at Chillicothe, Ohio, to pay pensions	60 00
February 21.	252	The president of the Branch Bank United States, at New Orleans, to pay pensions	250 00
April 13.	253	Peter McMahon, O. S. Boston, for his pension, from 1st January, 1811, to 1st January, 1825	756 00
April 25.	254	Martha Rose, widow, Bedford, Pennsylvania, for her pension from 10th September, 1813, to 10th September, 1824	792 00
May 4.	255	James Jeffers, for his pension from 1st July, 1821, to 1st January, 1825	168 00
June 15.	256	George MacDaniel, special agent District of Columbia, to pay pensions	1,825 00
	257	The president of the Branch Bank United States, at Charleston, South Carolina, to pay pensions	500 00
	258	The president of the Branch Bank United States, at Boston, Massachusetts, to pay pensions	4,000 00
	259	The president of the Branch Bank United States, at New York, to pay pensions	5,000 00
	260	The president of the Branch Bank United States, at Savannah, Georgia, to pay pensions	100 00
	261	The president of the Branch Bank United States, at Portsmouth, New Hampshire, to pay pensions	400 00
	262	The president of the Branch Bank United States, at Baltimore, Maryland, to pay pensions	2,500 00
	263	The president of the Branch Bank United States, at Providence, Rhode Island, to pay pensions	350 00
June 15.	264	The president of the Branch Bank United States, at Philadelphia, to pay pensions	3,000 00
June 16.	265	Thos. T. Tucker, agent navy pension fund, for the purchase of United States stocks	13,000 00
July 11.	266	The president of the Branch Bank United States, at Norfolk, Virginia, to pay pensions	1,000 00
	267	Eliza L. Pearce, Erie, Pennsylvania, for her pension from 1st January to 6th July, 1825	120 00
August 6.	268	The president of the Branch Bank United States, at Chillicothe, Ohio, to pay pensions	60 00
December 13.	269	Charles Hay, secretary to the fund, for the purchase of United States stock	63,679 78
December 16.	270	Thos. T. Tucker, agent navy pension fund, for the purchase of United States stock	11,500 00
December 17.	271	The president of the Branch Bank United States, at Boston, to pay pensions	4,500 00
	272	The president of the Branch Bank United States, at New York, to pay pensions	4,500 00
	273	The president of the Branch Bank United States, at Philadelphia, to pay pensions	2,500 00
	274	The president of the Branch Bank United States, at Portsmouth, New Hampshire, to pay pensions	500 00
	275	The president of the Branch Bank United States, at Providence, Rhode Island, to pay pensions	250 00
	276	The president of the Branch Bank United States, at Hartford, Connecticut, to pay pensions	650 00
	277	The president of the Branch Bank United States, at Baltimore, Maryland, to pay pensions	2,500 00
	278	The president of the Branch Bank United States, at Charleston, South Carolina, to pay pensions	250 00
	279	The president of the Branch Bank United States, at Norfolk, Virginia, to pay pensions	800 00
	280	The president of the Branch Bank United States, at Savannah, Georgia, to pay pensions	120 00
	281	George MacDaniel, agent District of Columbia, to pay pensions	1,725 00
			$127,991 11

T. WATKINS.

TREASURY DEPARTMENT, *Fourth Auditor's Office, January* 26, 1826.

C.

The commissioners of the navy pension fund, in account with Thomas T. Tucker, treasurer thereof.

DR.

1825.	To warrants paid, viz:	
No. 248.	E. L. Pearce, pensioner	$120 00
No. 249.	President of the Cumberland Bank	40 00
No. 250.	Joseph Watson, attorney, &c.	475 33
No. 251.	President of the United States Branch Bank, Chillicothe	60 00
No. 252.	President of the United States Branch Bank, New Orleans	250 00
No. 253.	Peter McMahon, pensioner	756 00
No. 254.	Martha Rose, pensioner	792 00
No. 255.	James Jeffers, pensioner	168 00
No. 256.	George MacDaniel, agent	1,825 00
No. 257.	President of the United States Branch Bank, Charleston	500 00
No. 258.	President of the United States Branch Bank, Boston	4,000 00
No. 259.	President of the United States Branch Bank, New York	5,000 00
No. 260.	President of the United States Branch Bank, Savannah	100 00
No. 261.	President of the United States Branch Bank, Portsmouth	400 00
No. 262.	President of the United States Branch Bank, Baltimore	2,500 00
No. 263.	President of the United States Branch Bank, Providence	350 00
No. 264.	President of the Bank of the United States, Philadelphia	3,000 00
No. 265.	T. T. Tucker, treasurer navy pension fund	13,000 00
No. 266.	President of the United States Branch Bank, Norfolk	1,000 00
No. 267.	E. L. Pearce, pensioner	120 00
No. 268.	President of the United States Branch Bank, Chillicothe	60 00
No. 269.	Charles Hay, secretary to the commissioners, &c.	63,679 78
No. 270.	T. T. Tucker, treasurer of the navy pension fund	11,500 00
No. 271.	President of the United States Branch Bank, Boston	4,500 00
No. 272.	President of the United States Branch Bank, New York	4,500 00
No. 273.	President of the Bank of the United States, Philadelphia	2,500 00
No. 274.	President of the United States Branch Bank, Portsmouth	500 00
No. 275.	President of the United States Branch Bank, Providence	250 00
No. 276.	President of the United States Branch Bank, Hartford	650 00
No. 277.	President of the United States Branch Bank, Baltimore	2,500 00
No. 278.	President of the United States Branch Bank, Charleston	250 00
No. 279.	President of the United States Branch Bank, Norfolk	800 00
No. 280.	President of the United States Branch Bank, Savannah	120 00
	Total	$126,266 11

CR.

1825.		
January 1.	By balance this day	$74,957 08
January 8.	By Charles Hay	1,790 00
March 4.	By Treasury warrant, No. 345	11,618 75
June 25.	By Treasury warrant, No. 229	11,576 52
September 23.	By Treasury warrant, No. 6,712	11,761 77
December 31.	By Treasury warrant, No. 7,033	12,264 27
	Balance	2,297 72
	Total	$126,266 11

THOMAS T. TUCKER, *Treasurer United States.*

TREASURY OF THE UNITED STATES, *January* 1, 1826.

D.

List of navy pensioners, 1st of January, 1826.

Names.	Rank.	Monthly pensions.	Annual pensions.
MASSACHUSETTS.			
George Arbuckle	Seaman	$3 33⅓	$40 00
Zepha Allen	Marine	4 00	48 00
Isaac Alleston	Seaman	3 00	36 00
John Allison	do	6 00	72 00
Cotton Brown	Cook	9 00	108 00
Joseph Barrett	Quartergunner	9 00	108 00
John Barrett	do	9 00	108 00
John Bennett	Seaman	6 00	72 00

List of navy pensioners—Continued.

Names.	Rank.	Monthly pensions.	Annual pensions.
Lemuel Bryant	Ordinary seaman	$8 00	$96 00
John Ball	Boatswain	9 00	108 00
Nathaniel Barker	Seaman	6 00	72 00
Jacob Bull	Ordinary seaman	5 00	60 00
James Blake	do	5 00	60 00
John Clements	Seaman	6 00	72 00
Russel Coats	Quartermaster	5 00	60 00
Samuel Cotton	Marine	3 00	36 00
James Clarke	Gunner	10 00	120 00
John Chaldwell	Seaman	6 00	72 00
John Chamberlain	Boatswain	8 00	96 00
Robert Cathcart	Seaman	6 00	72 00
Geo. Cearson, alias Cassin	Quartermaster	5 00	60 00
Dennis Cary	Ordinary seaman	7 00	84 00
Arthur Carroll	do	2 50	30 00
Richard Dunn	Seaman	6 00	72 00
John Davidson	Lieutenant	20 00	240 00
Wheatly Dyer	Ordinary seaman	5 00	60 00
Asa Ewell	do	5 00	60 00
Ebenezer Evans	Seaman	6 00	72 00
William Edes	do	6 00	72 00
Thomas Edwards	Quartermaster	6 00	72 00
Jonathan Fellows	Boatswain's yeo.	9 00	108 00
Samuel H. Green	Quartermaster	9 00	108 00
John Geyer	Seaman	6 00	72 00
Uriah Hanscom	Ordinary seaman	6 00	72 00
James Hatchin	Quartergunner	9 00	108 00
Peter Hosier	Seaman	6 00	72 00
William Ingersoll	Boatswain	12 00	44 00
Thomas Konse	Quartergunner	9 00	108 00
Henry McDonough	Seaman	6 00	72 00
Andrew McCollum	Marine	8 00	96 00
Thomas Melburn	Seaman	6 00	72 00
John Mitchell	do	10 00	120 00
James Merrill	Ordinary seaman	5 00	60 00
Enoch M. Meley	Quartergunner	8 00	96 00
Peter McMahon	Ordinary seaman	4 50	54 00
John Nogle, alias Vogle	do	4 00	48 00
William Nicholls	do	5 00	60 00
Isaac Omans	Seaman	6 00	72 00
John Peterson	Ordinary seaman	5 00	60 00
Robert Poulton	do	5 00	60 00
Nathaniel Rolfe	Seaman	6 00	72 00
John Shapely	Cook	9 00	108 00
Patrick Scanton	Ordinary seaman	6 00	72 00
William Stewart	Seaman	4 00	48 00
Samuel Sawyer	do	6 00	72 00
Benjamin Stevens	Master's mate	10 00	120 00
Robert Sanders, alias Willet	Seaman	6 00	72 00
John Shaw	do	6 00	72 00
John Smith	Quartermaster	6 00	72 00
Silas Taft	P. marine	3 00	36 00
William Thompson	Boatswain's mate	9 50	114 00
James Trumbull	Ordinary seaman	5 00	60 00
Seth Townshend	Seaman	6 00	72 00
Samuel Tucker	Captain, revolutionary war	20 00	240 00
Owen Taylor	Seaman	6 00	72 00
Charles F. Waldo	Master's mate	10 00	120 00
Peter Woodbury	Quartermaster	9 00	108 00
William Wood	Seaman	6 00	72 00
William Welsh	do	5 00	60 00
Michael Welsh	Ordinary seaman	5 00	60 00
David Quills	Quartermaster	5 00	60 00
			$5,782 00
NEW HAMPSHIRE.			
Samuel Abbott	Seaman	5 00	$60 00
Edward Banks	do	6 00	72 00
Robert Forsyth	Marine	3 00	36 00
John Grant	Seaman	6 00	72 00
John Hodgekins	Carpenter's mate	7 00	84 00

List of navy pensioners—Continued.

Names.	Rank.	Monthly pensions.	Annual pensions.
John Lloyd	Marine	$3 00	$36 00
John Mushaway	Boatswain	10 00	120 00
John Veazy	Quartergunner	9 00	108 00
			$588 00
RHODE ISLAND.			
Isaac Bassett	Ordinary seaman	5 00	$60 00
John Hoxse	Seaman	8 50	102 00
Andrew Mattison	do	5 00	60 00
William Payne	Ordinary seaman	5 00	60 00
Isaac Stearns	P. marine	3 00	36 00
Reuben Wright	Carpenter's mate	8 00	96 00
			$414 00
CONNECTICUT.			
Schuyler Bradley	Seaman	6 00	$72 00
Nathaniel Chapman	Quartergunner	8 00	96 00
Edward Field	Surgeon's mate	10 00	120 00
William Lewis	P. marine	3 00	36 00
Richard Lee	Quartermaster	6 00	72 00
John Williams	Seaman	6 00	72 00
			$468 00
NEW YORK.			
George Albro	Quartergunner	6 00	$72 00
Bernard Allen	Seaman	5 00	60 00
Jacob Albrecht	do	6 00	72 00
John Bernard	Marine	3 00	36 00
John Baptiste	Boy	3 00	36 00
Dominick Burnes	P. marine	3 00	36 00
Peter Bernard	Ordinary seaman	4 00	48 00
John Bremen	Seaman	6 00	72 00
William Burney	do	6 00	72 00
Edmund Brett	P. marine	3 00	36 00
John Butler	Seaman	6 00	72 00
John Brannon	do	5 00	60 00
Samuel Butler	Quartergunner	8 00	96 00
John Blair	Seaman	5 00	60 00
Adam Brown	do	6 00	72 00
Jacob Booker	Ordinary seaman	5 00	60 00
James Brown	Boatswain's mate	10 00	120 00
George Burton	Quartergunner	4 50	54 00
John Carberry	Cooper	4 50	54 00
Charles Clay	Seaman	6 00	72 00
Christian Clarke	do	6 00	72 00
Samuel Colsten	do	3 00	36 00
William Cain	do	6 00	72 00
John Collins	do	6 00	72 00
Zachariah Conklin	Ordinary seaman	6 00	72 00
Benjamin Campbell	Sergeant marines	5 00	60 00
John Campbell	Boatswain	8 00	96 00
Thomas Crawford	Seaman	5 00	60 00
Shubael Cunningham	do	4 00	48 00
Francis Covenhoven	Ordinary seaman	7 50	90 00
Joseph Cotter	Boatswain's mate	9 00	108 00
David Christie	P. marine	4 00	48 00
Jacob Dorne	Seaman	8 50	102 00
William B. Downes	do	5 00	60 00
John Dennis	do	5 00	60 00
Thomas Dailey	Quartermaster	8 00	96 00
James Davis	Quartergunner	9 00	108 00
William Davis	Seaman	6 00	72 00
John Dunn	P. marine	3 00	36 00
Samuel Deane	Seaman	6 00	72 00
Thomas Dennis	do	6 00	72 00
John Daniels	Quartermaster	9 00	108 00
Thomas Edwards	do	6 00	72 00
William Fitzsimonds	Ordinary seaman	7 00	84 00
John Francisco	P. marine	3 00	36 00

List of navy pensioners—Continued.

Names.	Rank.	Monthly pension.	Annual pension.
Bennett Fields	Armorer	$9 00	$108 00
John Ford	Seaman	5 00	60 00
Peter Gillen	do	5 00	60 00
Leonard Green	Quartergunner	9 00	108 00
Peter Green	Seaman	5 00	60 00
Thomas Gore	Ordinary seaman	2 50	30 00
Roswell Hale	do	5 00	60 00
William Hinds	Boy	6 00	72 00
Seth Hebbard	P. marine	3 00	36 00
William Hardingbrook	Seaman	6 00	72 00
Stephen Hammond	do	6 00	72 00
Daniel Hogenon	Ordinary seaman	5 00	60 00
George Hutton	Quartergunner	8 00	96 00
John Hyatt	Seaman	6 00	72 00
John Hadden	do	6 00	72 00
John Haywood	Master's mate	10 00	120 00
James Jackson	Seaman	5 00	60 00
John Johnson	do	6 00	72 00
Thomas Jackson, 2d	Quartermaster	9 00	108 00
Thomas Kelly	Seaman	4 00	48 00
James A. Lewis	Quartermaster	9 00	108 00
John Lazarro	Seaman	5 00	60 00
James Linscott	do	3 00	36 00
Timothy Lane	Cook	8 00	96 00
James McMane	Ordinary seaman	5 00	60 00
John McCracken	Boatswain's mate	12 00	144 00
Roger McGee	Marine	3 00	36 00
John Mahen	Seaman	6 00	72 00
John McCarty	Purser's steward	5 00	60 00
John Melvill	Seaman	5 00	60 00
William Moran	do	6 00	72 00
James McKernan	do	6 00	72 00
Emero Males	Ordinary seaman	5 00	60 00
Samuel McIsaacs	Boy	5 00	60 00
James Moses	Purser's steward	9 00	108 00
Thomas Miller	Seaman	5 00	60 00
Enos Marks	Ordinary seaman	5 00	60 00
Jeremiah McMahan	do	5 00	60 00
Colin McLeod	Boatswain	10 00	120 00
Mathew McKenzie	Seaman	6 00	72 00
Patrick McLaughlin	Ordinary seaman	5 00	60 00
Charles Moore	Seaman	6 00	72 00
William Nesbet	do	4 00	48 00
James Nickerson	do	6 00	72 00
Thomas Oliver	do	6 00	72 00
John Otternell	Carpenter's mate	5 00	60 00
William Parker	Seaman	6 00	72 00
George Pierce	do	4 00	48 00
John Place	Armorer	8 00	96 00
John Peterson	Seaman	6 00	72 00
James Peyton	Ordinary seaman	5 00	60 00
Benjamin H. Parker	Seaman	4 50	54 00
John Robinson	do	6 00	72 00
William Rodgers	Quartergunner	8 00	96 00
John Reagan	P. marine	5 00	60 00
Thomas Reed	Seaman	5 00	60 00
Edmond Rowland	Ordinary seaman	4 00	48 00
Rosnante Rhodes	Seaman	6 00	72 00
James Rogers	Sailingmaster	15 00	180 00
John Ratler	Quartermaster	6 00	72 00
John Smith	Seaman	6 00	72 00
John Scriver	do	5 00	60 00
George Stanley	Purser's steward	6 00	72 00
John Schrouder	Seaman	6 00	72 00
John Sniffen	Carpenter's mate	6 00	72 00
William Spratt	Ordinary seaman	4 00	48 00
Daniel Smith	Seaman	5 00	60 00
John Stone	do	6 00	72 00
Purnell Smith	do	4 00	48 00
Augustus Swartwout	Midshipman	12 00	144 00
Peter Tinkum	Seaman	4 00	48 00

List of navy pensioners—Continued.

Names.	Rank.	Monthly pension.	Yearly pension.
Henry Townsend	Ordinary seaman	$5 00	$60 00
George Thomas (black)	Seaman	6 00	72 00
Isaac Vallence	Quartermaster	8 00	96 00
Charles Vandyke	Ordinary seaman	5 00	60 00
James Williams	do	5 00	60 00
William Wells	Seaman	6 00	72 00
Charles Williams	Ordinary seaman	4 00	48 00
Solomon White	Seaman	4 00	48 00
Charles Williams	do	4 00	48 00
John Wright	Quartergunner	6 00	72 00
James Warner	Seaman	8 00	96 00
Thomas Welch	Quartergunner	12 00	144 00
John Webb	Seaman	4 00	48 00
John Wright	Ordinary seaman	5 00	60 00
			$9,192 00
NEW JERSEY.			
Peter Dunlevy	Marine	5 00	$60 00
James Hazle	Seaman	5 00	60 00
Wm. Robinson	Marine	6 00	72 00
			$192 00
PENNSYLVANIA.			
Alexander Adams	Ordinary seaman	3 00	$36 00
George Alexander	Quartergunner	8 00	96 00
William C. Allen	Quartermaster	12 00	144 00
Nathaniel Begley	Quartergunner	9 00	108 00
Enos Bateman	Seaman	5 00	60 00
Thomas Brown	P. marine	2 00	24 00
William Baggs	Marine	3 00	36 00
John Baxter	Seaman	6 00	72 00
James Bell	do	6 00	72 00
John Cassin	Marine	3 00	36 00
John Coffin	Seaman	6 00	72 00
Henry Collins	do	6 00	72 00
Arch. Campbell	do	5 00	60 00
David Christie	Marine	4 00	48 00
Patrick Cain	P. marine	6 00	72 00
Robert Carson	Ordinary seaman	5 00	60 00
Augustus Dundas	Gunner	10 00	120 00
William Deane	Seaman	6 00	72 00
Thomas Davis	do	5 00	60 00
William Dearing	do	6 00	72 00
Henry Dugan	Marine	3 00	36 00
Stephen Elderkin	Seaman	6 00	72 00
William Evans	Quartermaster	6 00	72 00
Edmund Fitzgibbon	Ordinary seaman	4 00	48 00
Pero Fisher	do	5 00	60 00
John Fryer	Seaman	6 00	72 00
Nicholas Hyberger	do	6 00	72 00
David Horton	Quartermaster	6 00	72 00
George Huffstidler	Seaman	6 00	72 00
William Holins	Marine	3 00	36 00
John Hogerbets	Prisoner, Dartmouth	6 00	72 00
William Hagerty	Ordinary seaman	5 00	60 00
William Jackson	Seaman	6 00	72 00
Edward Johnson	do	6 00	72 00
Job Jones	nary seaman	5 00	60 00
Hugh Kelly	P. marine	6 00	72 00
George Hensinger	Master-at-arms	9 00	108 00
Lawrence Kripfar	P. marine	3 00	36 00
Nicholas Klein	Sailingmaster C	5 00	60 00
John More	Seaman	6 00	72 00
William Mooney	P. marine	3 00	36 00
Miles Morris	Corporal marines	5 00	60 00
George McDaniel	Ordinary seaman	5 00	60 00
Michael McConnomy	do	6 00	72 00
Mathias McGill	Seaman	8 00	96 00
John McMullen	Gunner's mate	9 00	108 00

List of navy pensioners—Continued.

Names.	Rank.	Monthly pension.	Yearly pension.
Bernard McDonough	P. marine	$6 00	$72 00
Daniel Muncey	Seaman	8 00	96 00
William Morris	Ordinary seaman	5 00	60 00
James Mulliniffe	do	10 00	120 00
John Nugent	Seaman	6 00	72 00
Benjamin Norcrose	Sergeant marines	5 00	60 00
Benjamin Newton	Seaman	6 00	72 00
William Price	do	6 00	72 00
John Pasco	do	6 00	72 00
John Pitt	do	6 00	72 00
Peter Quantin	Ordinary seaman	5 00	60 00
John Roberts	Gunner's yeoman	9 00	108 00
Eli Stewart	Sailingmaster's mate	7 00	84 00
Joseph Smith	Marine	4 00	48 00
William Smith, 6th	Seaman	8 00	96 00
David Thomas	P. marne	3 00	36 00
John Thompson	Quartergunner	9 00	108 00
Phillip Tully	Seaman	6 00	72 00
John B. Truman	Ordinary seaman	5 00	60 00
Robert Webb	do	5 00	60 00
James White	Gunner's mate	9 00	108 00
Peter Whelan	Marine	3 00	36 00
John Walter	Seaman	4 00	48 00
John Williams, 6th	Ordinary seaman	8 00	96 00
James Wilson	Quartergunner	10 00	120 00
John Wilson	Seaman	6 00	72 00
John Young	Quartermaster	9 00	108 00
			$5,208 00
DELAWARE.			
Richard Gilbody	Ordinary seaman	4 00	$48 00
James Tull	Sergeant marines	5 00	60 00
William Wicks	Ordinary seaman	4 00	48 00
			$156 00
MARYLAND.			
Alexander Ardery	Seaman	6 00	$72 00
James Allcom	Sailingmaster	30 00	360 00
James Brown	Seaman (blind)	8 00	96 00
Andrew Beard	Seaman	6 00	72 00
John Burdeen	do	6 00	72 00
Edward Burke (black)	do	4 00	48 00
Thomas Burr	Ordinary seaman	6 00	72 00
William Carter	Master's mate	8 00	96 00
John Cole	Quartermaster	9 00	108 00
John Diragan	Seaman	5 00	60 00
Matthias Douglass	Ordinary seaman	10 00	120 00
John Denney	Seaman	6 00	72 00
Francis Elliott	do	6 00	72 00
Daniel Fullen	Ordinary seaman	7 00	84 00
Cornelius Garrison	Seaman	6 00	72 00
William Gillen	do	6 00	72 00
Peter Goshelle	do	10 00	120 00
John Gregory	Boy	4 00	48 00
George Gallager	Ordinary seaman	5 00	60 00
John Henry	do	5 00	60 00
Isaac T. Heartle	Acting sailingmaster	20 00	240 00
Nicholas Igerbrelson	Seaman	6 00	72 00
Edward Murray	Sergeant marines	4 50	54 00
Francis Mason	Quartermaster	9 00	108 00
Antonio Maria	Seaman	6 00	72 00
Hamlet Moore	Ordinary seaman	5 00	60 00
Joseph McMasters	P. marine	3 00	36 00
Isaac Nicholson	Cook	9 00	108 00
John Patterson	Seaman	10 00	120 00
Charles Parture	Ordinary seaman	5 00	60 00
Neal Patterson	Seaman	8 00	96 00
John Randall	Marine	3 00	36 00
Thomas Smith	Boatswain	10 00	120 00
William Stockdale	Marine	6 00	72 00

List of navy pensioners—Continued.

Names.	Rank.	Monthly pension.	Yearly pension.
James Stewart	Seaman	$6 00	$72 00
Horatio Salter	Boy	4 00	48 00
Hamilton Sellers	Ordinary seaman	7 00	84 00
Francis Trepenny	Seaman	6 00	72 00
Benjamin Underwood	Ordinary seaman	5 00	60 00
James Wells	Seaman	9 00	108 00
David Wilson (black)	do	6 00	72 00
Peter Young	Quartermaster	6 00	72 00
			$3,678 00
VIRGINIA.			
Obadiah Brown	Seaman	5 00	$60 00
Lawrence Bishee	Quartergunner	4 00	48 00
Jotham Briggs	Seaman	12 00	144 00
John Brown	Ordinary seaman	6 00	72 00
Lawrence Barsayline	Seaman	5 00	60 00
James Coruger	do	6 00	72 00
Silas Durham	Boy	6 00	72 00
Thomas Englis	Seaman	4 00	48 00
William Howell	Ordinary seaman	5 00	60 00
Anson Harvey	do	5 00	60 00
James Jeffers	do	4 00	48 00
Obadiah Johnson	Seaman	5 00	60 00
James H. Hansford	do	4 00	48 00
Joseph Ward		6 00	72 00
			$924 00
DISTRICT OF COLUMBIA.			
William Baker	Ordinary seaman	6 00	$72 00
John Butler (black)	Seaman	5 00	60 00
Amasa Conner, alias Corwer	do	6 00	72 00
Michael Conner	Marine	3 00	36 00
Andrew Chambers	do	5 00	60 00
John Earle	Sailingmaster	20 00	240 00
Jerry Garner (black)	Ordinary seaman	5 00	60 00
Simeon Hillman	do	4 00	48 00
John Hawkins	P. marine	3 00	36 00
Benjamin Kendrick	Cook	6 00	72 00
William Kingsbury	Boatswain	5 00	60 00
William McMullen	Marine	3 00	36 00
John Read	P. marine	3 00	36 00
Burwell S. Randolph	Midshipman	6 00	72 00
Richard S. Suter	do	6 00	114 00
John Shannamon	Seaman	6 00	72 00
William Staunton	Quartergunner	9 00	108 00
John Shinney	P. marine	3 00	36 00
Charles Young	Marine	3 00	36 00
			$1,326 00
NORTH CAROLINA.			
Thomas Owings	Quartermaster	8 00	$96 00
John Thompson	Seaman	6 00	72 00
			$168 00
SOUTH CAROLINA.			
John Jacob Hardy	Seaman	6 00	$72 00
Peter J. R. Staunton	Carpenter's yeoman	6 00	72 00
Charles Sheeten	Boatswain's mate	6 00	72 00
			$216 00
GEORGIA.			
James Lennis	Marine	3 00	$36 00
OHIO.			
John Meigs	Seaman	10 00	$120 00
LOUISIANA.			
Robert Spedden	Lieutenant	20 00	$240 00
William Whitney	Seaman	8 00	96 00
William Wagner	Quartergunner	9 00	108 00
			$444 00
Grand total			$28,912 00

List of widow pensioners, January 1, 1826.

Names.	Rank.	Monthly pension.	Yearly pension.
MASSACHUSETTS.			
Sally Annis	Seaman	$6 00	$72 00
Sarah Atkins	do	6 00	72 00
Hannah Adams, of James Adams	do	6 00	72 00
Sally Bates	do	6 00	72 00
Hannah S. Benete, of William Benete	Quartermaster	9 00	108 00
Mary P. Barlett, William, her son	Boatswain's mate	9 00	108 00
Sarah Brimblecomb's two children	Seaman	6 00	72 00
Abigail Cowell	Sailingmaster	20 00	240 00
Mary Cheever	.....	.....	75 00
Susanna Chritchet	Seaman	6 00	72 00
Harriet Carter	Lieutenant	20 00	240 00
Rebecca Day	Marine	3 00	36 00
Mary Ford	Carpenter's mate	9 00	108 00
Martha Flanders	Quartermaster	9 00	108 00
Sally Harvey	Seaman	6 00	72 00
Hannah Hazen	do	6 00	72 00
Mary Hackleton	do	6 00	72 00
Abigail Jones	Cook	9 00	108 00
Nancy Lancy	Ordinary seaman	5 00	60 00
Hannah Lowther's heirs	Seaman	6 00	72 00
Ann G. McCulloch	Sailingmaster	20 00	240 00
Elizabeth Martin	Boatswain	10 00	120 00
Elizabeth Manly	Quartergunner	9 00	108 00
Jane Moulton	Seaman	6 00	72 00
Ann Martin	Quartergunner	9 00	108 00
Judetha Mullen's two children	do	9 00	108 00
Elizabeth McKim	Sergeant marines	5 00	60 00
Elizabeth S. Nickerson	Seaman	6 00	72 00
Nabby Phippen	S. coxswain	9 00	108 00
Elizabeth Parker	Captain	30 00	360 00
Charlotte Passenger	Seaman	6 00	72 00
Nancy Patch	do	6 00	72 00
Nancy Riggs	do	6 00	72 00
Nancy Simmonds	do	6 00	72 00
Mary Stone	do	6 00	72 00
Mary Trainer	.....	3 00	36 00
Hannah Webb	Seaman	6 00	72 00
Margaret Wyer	Sailmaker	10 00	120 00
Abigail Young	Seaman	6 00	72 00
			$3,927 00
PENNSYLVANIA.			
Margaret Arundel	Sailingmaster	20 00	$240 00
Hannah Archbold	Ordinary seaman	5 00	60 00
Mary Archbald	do	5 00	60 00
Ann Brown's minor child	Seaman	6 00	72 00
Jane A. Blakely's daughter	Captain	50 00	600 00
Nancy Carlisle's children	Marine	3 00	36 00
Sarah Esham	Seaman	6 00	72 00
Mary Ann Hill, minors	Quartergunner	9 00	108 00
Sarah Hill's minor children	Ordinary seaman	5 00	60 00
Diana Hardy	do	5 00	60 00
Mary Hadding	Quartermaster	9 00	108 00
Maria T. Johnson	Carpenter's mate	9 50	114 00
Jane Logue's children	Marine	3 00	36 00
Sarah Mathews	Quartergunner	9 00	108 00
Eleanor Monroe's minor child Mary Ann Monroe	Seaman	6 00	72 00
Ann Midlen	Master's mate	10 00	120 00
Martha Rose	Seaman	6 00	72 00
Margaret Rankin's minor child George A. Rankin	Ordinary seaman	5 00	60 00
Elizabeth Tromp	Marine	3 00	36 00
Lydia Vanhorn	do	3 00	36 00
Mary Wine's minor child James	Seaman	6 00	72 00
			$2,202 00
NEW YORK.			
Mary Allen, alias Gordman	Seaman	6 00	$72 00
Betsey Blossom	Captain's mate	9 50	114 00

List of widow pensioners—Continued.

Names.	Rank.	Monthly pension.	Yearly pension.
Eliza Baldwin	Captain's clerk	$12 50	$150 00
Belinda Bowie	Sailingmaster	20 00	240 00
Susanna Brum	do	20 00	240 00
Sarah Care	do	20 00	240 00
Margaret Cummings	Seaman	6 00	72 00
Dorotha Cooper	do	6 00	72 00
Elizabeth Cunningham	Gunner	10 00	120 00
Mary Davis	Quartermaster	9 00	108 00
Ellen Dix	Surgeon	25 00	300 00
Catharine Fury	Steward	9 00	108 00
Mary Griffin	Surgeon	25 00	300 00
Phœbe Hamersley	Lieutenant	20 00	240 00
Susannah Longill	Boatswain	10 00	120 00
Julia M. Lawrence	Captain	50 00	600 00
Mary Lewis	Marine	3 00	36 00
Susan L. Osgood	Sailingmaster	20 00	240 00
Mary Olcutt	Steward	9 00	108 00
Sarah Place's infant children	Ordinary seaman	5 00	60 00
Margaret Parsells	Sailmaker	10 00	120 00
Catharine Rasmupen	Pilot	20 00	240 00
Sarah Sisson's daughter	Sailingmaster	20 00	240 00
Sarah Smith	Boatswain's mate	9 50	114 00
Elizabeth Shubrick	Lieutenant	20 00	240 00
Eleanor Smart	Seaman	6 00	72 00
Mary Ann Springer	Lieutenant	20 00	240 00
Sarah Town	Marine	3 00	36 00
Charlotte Wares	Com. flot. N. Y.	20 00	240 00
Marvel Wilcox	Carpenter's mate	9 50	114 00
			$5,196 00
CONNECTICUT.			
Nancy Brice	Seaman	6 00	$72 00
MARYLAND.			
Harriet Barney	Captain	50 00	$600 00
Lavinia M. Edgar	Surgeon	25 00	300 00
Ruth Gilbert	Seaman	6 00	72 00
Sophia Gardner	Commandant	30 00	360 00
Elizabeth Grayson	Captain	20 00	240 00
Sarah Hopkins		6 00	72 00
Elizabeth Marshall	Quartergunner	9 00	108 00
Elizabeth Traproll	Marine	3 00	36 00
Susannah Wedge		9 00	108 00
Margaret Warner	Sailingmaster	20 00	240 00
Mary Van Blake	Gunner	10 00	120 00
			$2,256 00
DISTRICT OF COLUMBIA.			
Ellen Beev's infant child Jane		10 00	$120 00
Eliza Cassin	Purser	20 00	240 00
Sophia Grenele	Sailingmaster	20 00	240 00
Susan Hook's daughter		4 00	48 00
Eliza Hall	Sailingmaster	20 00	240 00
Susan Haraden	Master commandant	30 00	360 00
Mary E. Martin	Ordinary seaman	5 00	60 00
Charity Nicholson		10 00	120 00
E. L. Pearce	Lieutenant	20 00	240 00
Eleanor Jane Snow	Seaman	6 00	72 00
Isabella J. Searcy	Lieutenant	20 00	240 00
Eliza Tarbell	Captain	50 00	600 00
			$2,580 00
NEW HAMPSHIRE.			
Mercy G. Christopher's children	Seaman	6 00	$72 00
Abigail C. Fernald	do	6 00	72 00
Mrs. Flagg		10 00	120 00
Mary, Nancy, and Caroline Perkins, minor children		5 00	60 00
			$324 00

List of widow pensioners—Continued.

Names.	Rank.	Monthly pension.	Yearly pension.
VIRGINIA.			
Eliza W. Cocke	Lieutenant	$20 00	$240 00
Ann Hardin	Seaman	6 00	72 00
Frances M. Lewis	Captain	30 00	360 00
Eliza Maury	Lieutenant	20 00	240 00
Mary Neal	do	20 00	240 00
Harriet H. Sanders	do	20 00	240 00
			$1,392 00
NORTH CAROLINA.			
Ann D. Collins	Carpenter's mate	9 00	$108 00
SOUTH CAROLINA.			
Mary Rawlain Hatch	Pilot	20 00	$240 00
KENTUCKY.			
Charlotte A. Holcomb	Seaman	6 00	$72 00
GEORGIA.			
Harriet Ann Elbert	Lieutenant	20 00	$240 00
Total widows' pensions			$18,609 00

19TH CONGRESS.] No. 285. [1ST SESSION.

EXPERIMENT IN THE USE OF COTTON, COMPARED WITH FLAX, FOR CORDAGE AND CANVAS—THEIR RELATIVE PRICE, ETC.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 1, 1826.

NAVY DEPARTMENT, *January* 31, 1826.

SIR: In compliance with the resolution of the House of Representatives, of the 25th instant, inquiring "whether any, and, if any, what, experiments have been made in the trimming and equipment of any of the vessels of the United States navy, to test the utility of cotton for cordage or sail cloth; and also what are the comparative strength and cost of such manufacture of that article and those of hemp," I have the honor to transmit, herewith, copy of a report made by the Commissioners of the Navy upon the subject, which embraces all the information in relation to the objects of inquiry in possession of this Department.

All which is respectfully submitted.

SAMUEL L. SOUTHARD.

The Hon. the SPEAKER *of the House of Representatives.*

NAVY COMMISSIONERS' OFFICE, *January* 28, 1826.

SIR: Upon the subject of the resolution of the House of Representatives, of the 25th instant, which you were pleased to refer to this board, we have the honor to state that in the month of May last we procured a quantity of cotton sail cloth and directed it to be made into sails to be used on board several of our public ships, with a view to test its relative strength and durability, when compared with American and Russia flax or hemp canvas; but sufficient time to make a full experiment not having elapsed, no report as to the result has been received.

With respect to the "comparative cost" of cotton canvas, the following shows the prices per yard at which we have contracted for flax canvas, and the prices asked for cotton canvas:

Flax canvas.	Cotton canvas.
No. 1. 47½ cents per yard	47 cents per yard.
No. 2. 43¾ cents per yard	46 cents per yard.
No. 3. 42½ cents per yard	45 cents per yard.
No. 4. 41¼ cents per yard	44 cents per yard.
No. 5. 40 cents per yard	43 cents per yard.
No. 6. 38¾ cents per yard	42 cents per yard.
No. 7. 37½ cents per yard	41 cents per yard.
No. 8. 36¼ cents per yard	40 cents per yard.

The width of both is made for 20 inches; but referring to the samples in our possession, the flax canvas is full 1¼ inches wider than the cotton.

It has never occurred to the board that it would be expedient to make any experiments of "cotton cordage," and we have no information upon the subject.

I have the honor to be, with great respect, your most obedient servant,

JACOB JONES, *Navy Commissioner.*

Hon. SAMUEL L. SOUTHARD, *Secretary of the Navy.*

19TH CONGRESS.] No. 286. [1ST SESSION.

APPLICATION OF MARYLAND FOR THE ESTABLISHMENT OF A NAVAL ACADEMY AT ANNAPOLIS.

COMMUNICATED TO THE SENATE FEBRUARY 7, 1826.

By the House of Delegates, January:

Resolved, By the General Assembly of Maryland, that our senators and representatives in Congress be, and they are hereby, requested to call the attention of their respective houses to the superior advantages which the city of Annapolis and its neighborhood possess, as a situation for a Naval academy, and that they use their best exertion in favor of the establishment of such an institution.

Resolved, That a copy of the above resolution be forwarded, by the Executive, to each of our senators and representatives in Congress.

19TH CONGRESS.] No. 287. [1ST SESSION.

ON A CLAIM TO REMUNERATION FOR A METHOD DISCOVERED FOR SECURING THE DECKS AND SIDES OF VESSELS, CALLED WATER TIGHT PLUGGING.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 7, 1826.

Mr. STORRS, from the Committee on Naval Affairs, to whom was referred the petition of William Mellers, and the documents accompanying the same, reported:

That the petitioner states that he invented in the year 1804, a method of securing the decks and sides of vessels from decay, by what is usually called water-tight plugging. That in the year 1822, he obtained a patent for his invention, which has since been determined, judicially, to be of no validity. That in 1823 an order was issued, from the Navy Board, for the use of the said invention in the public vessels of the United States. He represents the invention to have been of great utility to the country, and to the naval forces, and prays a compensation from Congress for the benefits which have, or may acrue from it to the public. The committee are of opinion that it is inexpedient to grant the prayer of the petition, and that he has no claim to remuneration from Congress, and recommend to the House the following resolution:

Resolved, That the petitioner have leave to withdraw his petition and documents.

19TH CONGRESS.] No. 288. [1ST SESSION.

ON CLAIM OF A SAILINGMASTER OF THE NAVY, IN COMMODORE BARNEY'S FLOTILLA SERVICE, FOR THE VALUE OF A HORSE KILLED IN THE BATTLE OF BLADENSBURG, AND FOR CLOTHING LOST IN SERVICE.

COMMUNICATED TO THE SENATE FEBRUARY 9, 1826.

Mr. HAYNE, from the Committee on Naval Affairs, to whom was referred the petition of John A. Webster, late sailingmaster in the navy, praying indemnity for property lost while in the discharge of his duty, reported:

That it appears that John A. Webster was a sailingmaster, and attached to the flotilla under Commodore Barney during the late war. That when the city of Washington was threatened by the enemy, Commodore Barney caused the flotilla to be destroyed, and with the force under his command joined the army near Washington, and rendered essential services at the battle of Bladensburg. It further appears that the petitioner received orders from his commander to join him near Bladensburg, and that to effect this object in due season he mounted a horse and rode the whole night, and arrived the next morning at the battle ground in time to take part in the action. In consequence of his fatigue, the petitioner was permitted by Commodore Barney to remain on horseback, and during the action his horse was killed, and he himself narrowly escaped the same fate. Under these circumstances the committee are of opinion

that the petitioner has a just claim on the United States for the value of his horse and accoutrements. With respect to the claims for clothing lost by the destruction of the flotilla, and for the expense of medical attendance, no proof having been adduced in support of them, the committee deem it unnecessary to state the objections which exist against such claims. In pursuance of these views the committee herewith report a bill for the relief of John A. Webster.

19TH CONGRESS.] No. 289. [1ST SESSION.

PROBABLE COST OF CERTAIN LOTS OF LIVE OAK TIMBER, AND COST FOR PRESERVING THE SAME.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 10, 1826.

NAVY DEPARTMENT, *January* 28, 1826.

SIR: In compliance with a resolution of the House of Representatives, of the 20th instant, directing the Secretary of the Navy to furnish estimates of the probable cost of certain lots of live oak timber, together with the cost of erecting permanent sheds for their preservation, I have the honor to transmit, herewith, a copy of a report from the Board of Navy Commissioners upon the subject, which contains the information called for.

I am, very respectfully, SAMUEL L. SOUTHARD.

The SPEAKER *of the House of Representatives.*

NAVY COMMISSIONERS' OFFICE, *January* 24, 1826.

SIR: Upon the subject of the resolution of the House of Representatives, of the 20th instant, which you have been pleased to refer to this board, the Commissioners subjoin an estimate which affords the information called for.

Live oak frames.

	Cubical feet.
For steam batteries, six frames, each requiring 12,000 cubical feet	72,000
For ships of the line, twelve frames, each requiring 34,000 cubical feet	408,000
For frigates of the largest class, fifteen frames, each requiring 23,000 cubical feet	345,000
For sloops-of-war, fifteen frames, each requiring 8,000 cubical feet	120,000
	945,000
Cubical feet of live oak, at $1.50	$1,417,500
Permanent sheds for the preservation of the above frames, including the expense of stowing the frames away	100,000
	$1,517,500

All of which is respectfully submitted.

I have the honor to be, with great respect, sir, your most obedient servant,

W. BAINBRIDGE.

Hon. SAMUEL L. SOUTHARD, *Secretary of the Navy.*

19TH CONGRESS.] No. 290. [1ST SESSION.

APPLICATION OF THE CITY OF BALTIMORE FOR THE ESTABLISHMENT OF A NAVY-YARD AT THAT PLACE.

COMMUNICATED TO THE SENATE FEBRUARY 13, 1826.

To the Senate and House of Representatives of the United States, in Congress assembled:

The memorial of the mayor and city council of Baltimore respectfully showeth, that, having understood it is the intention of the general government to establish some additional navy yards, for the purpose of building and repairing national vessels, and understanding a resolution has passed the honorable the House of Representatives of the United States, instructing the Naval Committee to inquire into the expediency of locating a navy yard at the port of Baltimore, they would respectfully call the attention of your honorable body to the great advantages possessed by this port, which, in the estimation of your memorialists, render it peculiarly fitted for such an establishment, being situated upon a branch of a safe,

navigable river, and having a spacious harbor, of sufficient depth of water, and completely protected by its natural position; possessing the greatest facilities for procuring ship timber and naval stores, in consequence of her proximity to, and great intercourse with, those places from whence such articles are obtained; having also within her limits and immediate vicinity several foundries, at which cannon and other implements of war may be forged, with several powder mills in the neighborhood, and a surrounding country furnishing the most abundant supplies of iron ore, and also capable of supplying the various articles necessary for provisioning and equipping vessels-of-war; numbering within our city first-rate mechanics, to do every description of work in the most remote degree connected with the building and fitting out ships-of-war, men who are alike distinguished for their industry, science, and integrity; with numerous and extensive ropewalks, several of which are distinguished for the superior quality of the rigging manufactured by them, as tested by the experience of many years. Two of these establishments are constructed upon the most modern and approved plans, with patent machinery, and all in successful operation. With these qualifications, and a consciousness that Baltimore is eminently calculated, in consequence of her great local advantages, for a most efficient and serviceable establishment of the kind, your memorialists feel justified in recommending it, as such, to your consideration and notice. It is not the advantages that Baltimore possesses upon which alone are founded her claims for such distinction. It must be recollected by your honorable body that she ranks as the third commercial city in these United States, and is steadily advancing to eminence and importance; that she contributes towards the support of government by the large and increasing amount of import and tonnage duties which she annually pays into the national treasury. Your memorialists have it from the very best authority, the average aggregate annual amount of receipts, after deducting the amount paid as drawbacks, for the last three years, exceeds seven hundred thousand dollars, and that the net receipts, from the flourishing condition of our commerce, will far exceed this amount during the current year. While your memorialists indulge a conscious pride in pointing out the capacities and resources of Baltimore, and her fiscal importance to the Union, it is with equal feelings of pleasure they would direct your attention to the patriotism and devotion of her people in the most gloomy and disastrous periods of the war—to those periods of national calamity when a powerful enemy, rich in the science and all the means of war, was directing his undivided energies against the nation; to that period when he had penetrated to the Capitol, and laid it in ashes; a period which, even now, casts a gloom over the patriot's mind, as he takes a retrospective glance over the awful verge upon which the fate of his loved country rested; a treasury exhausted, the enemy's fleet riding in triumph in every bay and river, from Washington to the Capes; his armies landing wherever they listed, driving the peaceful citizen from his home, and in many instances laying waste and desolate the domicil that had protected him from the elements; a period when the stoutest hearts were palsied with fear and trembling. It was at this period, and under those circumstances of national suffering, that the citizens of Baltimore generously sealed their devotion to these United States by the liberal application of their treasures and their blood, to extricate their country from the disasters and difficulties she was then encountering.

It is scarcely necessary to call the attention of your honorable body to the sufferings, privations, and distresses endured by our citizens during the whole continuance of the war, most of whom will be benefited should the contemplated navy yard be established at this port; for they are identified with the system of embargo, non-intercourse, and war.

Your memorialists would state that, prior to the establishment of the peace of 1815, there was a small navy yard located at this port; but, although it was not of sufficient importance or magnitude for its influence to be advantageously felt, the citizens of Baltimore never murmured, though several of her Atlantic sisters were at that time reaping the rich harvests of extensive establishments. That, small and unimportant as it was, has subsequently been withdrawn; but, as others are now to be erected, and almost every Atlantic State has an establishment of the kind located within them, your memorialists respectfully urge the claims of Baltimore, as the *emporium* of Maryland, for a portion of the national patronage; believing, as they do, in all expenditures of the public money, due regard should be had to its equal distribution.

JOHN B. MORRIS, *President First Branch City Council.*
THO. MOORE, *President Second Branch City Council.*

TH. PHENIX, *Clerk First Branch.*
R. WILSON, *Clerk Second Branch.*

Approved February 9, 1826.

JOHN MONTGOMERY, *Mayor.*

19TH CONGRESS.] No. 291. [1ST SESSION.

STATEMENT OF THE PAY AND ALLOWANCES OF OFFICERS OF THE NAVY.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 13, 1826.

COMMITTEE ON NAVAL AFFAIRS, *House of Representatives, February* 2, 1826.

SIR: I have been directed, by the Committee on Naval Affairs, to request of the Department of the Navy, information on the following points, viz:

What is the highest amount of compensation paid to a captain in the navy, while in service, including allowances and emoluments of every description; and what are the particular items of such pay, allowances, and emoluments, and the respective amounts of such items?

What is the like amount to the officers in service, below the rank of captain?

What are the rules established, and acted upon, in relation to the pay, allowances, and emoluments to officers of the several grades in the navy, while in service?

As the information is desired by the committee on subjects immediately before them, and requiring their prompt attention, I would consider it a favor to be furnished with the information at an early hour.

I am, sir, with great respect, your most obedient servant,

HENRY R. STORRS.

Hon. SAMUEL L. SOUTHARD, *Secretary of the Navy.*

NAVY DEPARTMENT, *February* 4, 1826.

SIR: Your letter of the 2d inst. has been received. I am not aware that I can furnish more minute information, respecting the pay of the officers in the navy, than has been repeatedly communicated to Congress, and is now to be found in the documents on the tables of the members, and on the files of the House.

Permit me to beg your attention to those documents, particularly to the following: The recapitulation at the end of the naval register of 1826, a copy of which I enclose, and which shows all the pay and emoluments which officers on active duty at sea receive. The estimates for the year, which are annexed to and printed with the report to the President, at the commencement of the session, and which show all the items allowed at all the navy yards and stations; the report to the Senate of 1st January, 1825, and which shows the allowances in all other cases, except at yards, and the principles on which they are made; and any or all the annual reports to Congress, for years past, respecting the contingent expenses. Every dollar received by any officer, for any object, will be found in those papers, and, as I have believed, detailed minutely, clearly, and distinctly. Their object was expressly to communicate the information which you seek, with the wish that every member might have in his hands the amount of the allowances, and the principles on which they are made.

The laws of Congress, fixing the pay and rations of the officers, are to be found in the 2d volume Laws, page 385, and 3d volume, page 6. The recapitulation referred to, will be found to agree perfectly with those laws.

That I may present you *results*, as far as practicable, I enclose paper A, which is a statement of the sums received by the several officers in active service, calculating the ration as money at twenty-five cents.

I also enclose a copy of the report and estimates of last year, which, as well as those of this year, detail all the allowances, at all the navy yards, and exhibit the highest amount in each case. It is not necessary to make a copy in writing, as it will be easier to examine the printed copy. When you can spare it, you will confer a favor by enclosing it to me.

The papers thus enclosed and referred to, furnish an answer to the two first inquiries in your letter. They state "the highest amount of *compensation* paid to a captain," and all "other officers," while in service, "both on land and water;" including "allowances and emoluments of every description; and the particular items of the pay, allowances, and emoluments, and the respective amount of such items." There is but one item which is not set down in money, although it is embraced in the amount—I mean wood. It is furnished to the officers in kind, not in money. The number of cords is therefore mentioned, but their estimated cost is included in the amount stated.

In answer to the third inquiry, I have the honor to state:

1st. That officers on active service at sea, and on leave of absence from such service, and awaiting orders, by direction of the Department, for such service, receive the full pay contained in paper A. The law shows the amount of their pay and rations; and no "rule" is necessary to be applied in ascertaining what it is, except that which determines the value of the ration, when it is received in money. This has, for many years, been fixed at twenty-five cents; and the reasons for valuing it at that sum have more than once been presented to Congress, and especially in the report from the Department, of the 12th February, 1821. While on ship board they are provided by the government with all the *quarters, fuel, candles,* and *servants* which their situation requires; and being subjected to no expense for these objects, *no* allowance is made for them. There is, therefore, no reason why they should receive any compensation beyond their pay and rations, and no "rule" gives them any.

2d. Officers on furlough receive half pay and no rations. The "rule" for this has been supposed to be fixed by the law itself. *See law* 21*st April*, 1806.

3d. There is active and very important employment for officers on shore, at stations and navy yards, where, by their orders, they are compelled to remain, and are subjected to great expense; an expense to which other officers are not subjected, and which their pay would not meet. The principle, therefore, and rule of the government, since the original establishment of the navy, in such cases, has been, to make an allowance sufficient to pay such of these expenses as were indispensably and absolutely necessary to enable them to do their duty. And the mode of estimating the allowances has been, to obtain the best information within the reach of the Department, of the cost of the article at the different places, and be guided by it. Thus, an officer is compelled, by the order of the government, to remain stationary at Brooklyn, and daily to perform duty at the navy yard at that place. He must have *lodgings, candles,* and *firewood,* or he cannot obey the orders; or if he have not servants to aid him in his labor, both public and private, he cannot constantly attend to his duty, and perform the services demanded of him. If he were obliged to procure them for himself, it would consume the whole of his pay; and no man, but he who had a private fortune, and chose to bestow both it and his time upon the public, could remain in the navy. An allowance for these things, therefore, has always been made; but this allowance is not intended, nor is it believed that there are any cases in which it operates, as an emolument or addition of pay to the officer; but merely of a satisfaction of the expenses to which the order of the government had exposed him. Be good enough to look at the estimate for the year, for the navy yards, and you will at once perceive the operation of these principles.

House rent is allowed where there are no quarters in the yard for the officers to live in. It is computed as low as the circumstances of the place will permit. At Brooklyn, for the commandant of the yard, nothing, having a house; for the master commandant, when one is there, $300; for the lieutenant, $200, and so on for the rest. See the estimate. See also the allowances at other yards. It has heretofore been stated, that economy requires sufficient buildings at each of the yards to afford lodgings to the officers at it. This item of expenditure would not then be necessary. Wood is allowed to all officers so

circumstanced, and is bought as low as the agents can buy it. At Brooklyn, we give the commandant 30 cords, the master commandant 20, lieutenant 20, &c., &c. See estimates for this and all the other yards.

Candles allowed to a captain, at Brooklyn, $65; master commandant, $40; lieutenant, $20; &c., &c. See estimates.

Servants—to the captain, three at $8, or two at $12. The master commandant, two at $8. Lieutenant, one at $8. The servants are mustered on the books of the yard, and liable to be called on for its protection, &c., in case of necessity. These several allowances are *all*, and are believed to be barely sufficient to pay for their objects, and to save the officer from actual loss in obeying his orders. These places and stations are sought, not for the purpose of making money, but as a change of duty, and to enable the officer to spend a part of his time with or near his family and private interests. Their amount is expressly stated in the estimates of the last and present year.

These allowances being made, increase the annual cost of the naval establishment; and, with a view to as much economy as can be obtained on the subject, as few officers are now placed at the yards as the duties to be performed will admit. Indeed, I believe the impression is almost universal with those who have to do the duties, that too few are assigned to them; and they have as much to do as they can well perform. If it were not for the necessary increase of expense, more would be added, to make their labors less. I again refer to the estimates of the present year, to show the *numbers* and *grade* of officers at each yard. There are *no other allowances* at yards and stations.

By the item in the appropriation bills which enumerates certain contingent expenses, it will be perceived that some other payments are sometimes made to officers, such as traveling expenses, at fifteen cents per mile, &c., &c. It is unnecessary, I presume, to repeat them, or the principles on which they are made. They will be instantly understood, on an inspection of the estimates of the appropriation bill, and of the report of the 1st of January, 1825, heretofore referred to.

I am, very respectfully, &c.,

SAM'L L. SOUTHARD.

Hon. HENRY R. STORRS, *Chairman Naval Committee, H. of R.*

A.

Pay of commissioned and warranted officers on active duty.

Captain, commanding a squadron, $100 per month, and 16 rations per day; all rations, when paid in money, are estimated at 25 cents each	$2,660 00
Captain in command of a ship of 32 guns and upwards, $100 per month, and 8 rations per day	1,930 30
Captain commanding a vessel of 20, and under 32 guns, $75 per month, and 6 rations per day	1,447 50
Master commandant, $60 per month, and 5 rations per day	1,176 25
Lieutenant commanding, $50 per month, and 4 rations per day	965 00
Lieutenant, $40 per month, and 3 rations per day	753 75
Midshipman, $19 per month, and 1 ration per day	319 25
Chaplain, $40 per month, and 2 rations per day	662 50
Surgeon, $50 per month, and 2 rations per day	782 50
Surgeon's mate, $30 per month, and 2 rations per day	542 50
Sailingmaster, $40 per month, and 2 rations per day	662 50
Purser, $40 per month, and 2 rations per day	662 50
Boatswain, $20 per month, and 2 rations per day	422 50
Gunner, $20 per month, and 2 rations per day	422 50
Sailmaker, $20 per month, and 2 rations per day	422 50
Carpenter, $20 per month, and 2 rations per day	422 50

19TH CONGRESS.] No. 292. [1ST SESSION.

STATEMENT OF THE EXPENSES OF COURTS-MARTIAL AND COURTS OF INQUIRY, FROM THE 1ST OF JANUARY, 1824, TO FEBRUARY, 1826.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 14, 1826.

WASHINGTON, *February* 14, 1826.

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives, of the 12th ult., I transmit herewith a report from the Secretary of the Navy, with the statements relating to naval courts of inquiry and courts-martial, since the first of January, 1824, requested by the resolution.

JOHN QUINCY ADAMS.

NAVY DEPARTMENT, *February* 13, 1826.

In answer to a resolution of the House of Representatives, of the 12th of January last, "that the President of the United States be requested to cause to be laid before this House an *exact* account of the

expense incurred by each court-martial convened for the trial of any officer of the naval service of the United States; and the expense of each court of inquiry held by order of the Navy Department, since the 1st of January, 1824; stating for what service the expenditures were incurred, to whom paid, and out of what appropriation. If the proceedings of the court-martial in the case of Captain David Porter have been printed by said Department, out of what fund were the expenses paid, and to what amount;" the Secretary of the Navy has the honor to enclose copy of a report from the Fourth Auditor of the Treasury, which contains an account of the expenses called for.

The Secretary of the Navy has the honor further to state, that the proceedings of the court-martial, in the case of Captain David Porter, have been printed by Davis & Force, of this city, and an agreement made with them that, for the privilege of printing the same under the direction of the Department, they should furnish as many copies of the work as should be required by the Department at one-half the price at which they sold it to others. Under this agreement, three hundred copies were taken at $1.25 each copy, making for the whole three hundred and seventy-five dollars. The work was sold to others and is now held by them at $2.50. This sum of $375 has been charged to, and paid out of, the appropriation made on the 21st of February, 1825, "for defraying the expenses which may accrue during the year one thousand eight hundred and twenty-five," "for printing and stationery of every description." Some of the 300 copies are now in the office, others have been sent to the several stations, navy yards and squadrons; and forty-eight were sent on the 4th instant to the Senate of the United States, in compliance with a resolution of that body, passed on the 2d of February.

Which is respectfully submitted. SAM'L L. SOUTHARD.

To the PRESIDENT *of the United States.*

NOTE.—The table showing the names of witnesses, their compensation and traveling expenses, in gross, are inserted in the original in this place, but are here omitted, on account of their bulk and unimportance.

Recapitulation.

Aggregate amount of the expenses of the court of inquiry in the case of Elnathan Judson, surgeon	$515 00
Aggregate amount of the expenses of the court-martial in the case of Captain Smith and Lieutenant Kennon	2,204 80
Aggregate amount of the expenses of the court-martial in the case of Lieutenant Weaver, Lieutenant Warner, Lieutenant Wolbert, Lieutenant Sawyer, Lieutenant Conner, and Lieutenant Sands	2,747 12
Aggregate amount of the expenses of the court-martial in the case of Lieutenant Joshua R. Sands, on board the United States ship Franklin	210 00
Aggregate amount of the expenses of the court-martial in the case of Lieutenant Carter, Sailing Master Mull and Midshipman Van Dyke	201 50
Aggregate amount of the expenses of the court of inquiry in the case of Captain David Porter	2,242 35
Aggregate amount of the expenses of the court-martial in the case of Captain David Porter	2,997 80
Aggregate amount of the expenses of the court-martial in the case of Captain Stewart, Lieutenant Ramage, Lieutenant Whitlock, and Lieutenant Hunter	7,859 05
Total amount	$18,977 62

T. WATKINS.

TREASURY DEPARTMENT, *Fourth Auditor's Office, February* 6, 1826.

19TH CONGRESS.] **No. 293.** [1ST SESSION.

ON A CLAIM BY A CITIZEN EMPLOYED BY A NAVAL OFFICER IN A SURVEY OF THE COAST, FOR EXPENSES OF SICKNESS CONTRACTED IN THE PUBLIC SERVICE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 20, 1826.

Mr. HOLCOMBE, from the Committee on Naval Affairs, to whom was referred the petition of Ed. L. Young, of the borough of Norfolk, in the State of Virginia, reported:

That the petitioner, in the years 1819 and 1820, was employed by Captain Elliot, of the navy, in assisting to survey a part of the southern coast of the United States; that whilst thus employed, owing to excessive fatigue and exposure, he contracted a violent illness, for the expenses of which, and for loss of time consequent thereon, he prays relief.

The committee cannot perceive, upon any proper principle, or precedent established by this government, that such relief should be afforded, and, therefore, recommend the adoption of the resolution:

Resolved, That the petition of Ed. L. Young ought not to be granted.

19TH CONGRESS.] No. 294. [1ST SESSION.

ON A CLAIM OF THE ADMINISTRATOR OF LIEUTENANT THOS. G. TILLINGHAST, LATE AN OFFICER OF THE SLOOP-OF-WAR WASP, FOR PRIZE MONEY AND RELIEF FROM A JUDGMENT.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 1, 1826.

Mr. SANDS, from the Committee on Naval Affairs, to whom was referred the petition of Daniel H. Tillinghast, administrator of Thomas G. Tillinghast, late a lieutenant on board the sloop-of-war Wasp, praying for his right of $50,000, voted by Congress to the relatives of the deceased officers on board that ship, and for his pay for his services, unsettled for the want of vouchers; and, also, that the money paid on a suit instituted against him by the Navy Department may be refunded, reported:

That Lieutenant Tillinghast's proportion of the $50,000, voted by Congress, and twelve months' pay for the unsettled account, for the want of vouchers, have both been paid by the Navy Department, and that the suit instituted against him for $505.42, was for a balance due from Lieutenant Tillinghast, as settled at the office of the Fourth Auditor.

And they, therefore, report the following resolution:

Resolved, That the prayer of the petitioner ought not to be granted.

19TH CONGRESS.] No. 295. [1ST SESSION.

ACCOUNT OF THE KILLED, WOUNDED, AND PRISONERS OF THE OFFICERS AND CREW OF THE FRIGATE CHESAPEAKE, IN THE ACTION WITH THE BRITISH FRIGATE SHANNON, IN THE WAR OF 1812–'15.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 1, 1826.

NAVY DEPARTMENT, *February* 24, 1826.

SIR: I have the honor to transmit a list of "the names of the officers and crew of the United States frigate Chesapeake, who were killed or wounded at the time of her capture during the late war." There is no document in this Department showing "the names of those who were afterwards confined in the hospital at Halifax on account of the wounds received in the engagement."

I have also the honor to transmit a copy of the muster roll of the officers and men who were carried to Halifax as prisoners of war.

These two papers contain all the information in the possession of the Department, on the subject of the resolution of the House of Representatives, of the 9th instant.

I have the honor to be, very respectfully, &c.,

CHAS. HAY, *Chief Clerk.*

Hon. JOHN W. TAYLOR, *Speaker of the House of Representatives.*

Return of killed and wounded on board the United States frigate Chesapeake, James Lawrence, Esq., Captain, in the action with the British frigate Shannon, on the 1st of June, 1813.

KILLED.

Names.	Rank.
Edward I. Ballard	Acting lieutenant.
William A. White	Sailingmaster.
Pollard Hopewell	Midshipman.
John Evans	Midshipman.
Courtlandt Livingston	Midshipman.
Abraham Cox	Ordinary seaman.
George Craton	Boy.
Sterling Clark	Seaman.
Daniel Burnham	Quartermaster.
Alexander Marino	Ordinary seaman.
Thomas Evans	Ordinary seaman.
John Miller	Seaman.
Daniel Martin	Seaman.
Robert Bates	Seaman.
James Woodbury	Quartermaster.
William Russell	Seaman.
Harris Ball	Ordinary seaman.
Andrew Williams	Seaman.

Names.	Rank.
Joseph Simonds	Seaman.
John W. Duggin	Ordinary seaman.
David Bias	Seaman.
Henry Munroe	Seaman.
Josiah Shatfield	Seaman.
John Philips	Seaman.
Benjamin Esday	Ordinary seaman.
John Reed, 2d	Seaman.
Michael Kelley	Quartergunner.
Samuel Mullen	Ordinary seaman.
Michael Sawyer	Ordinary seaman.
James Betton	Seaman.
John Carter	Boatswain's mate.
John Crabb	Seaman.
Samuel M. Perkins	Ordinary seaman.
Joseph Judith	Seaman.
John Jones	Seaman.
Christopher Houston	Seaman.

Marines.

Names.	Rank.
James Broom	First lieutenant.
Thomas Wheaton	Private.
Benjamin Morrison	Private.
John Mulligan	Private.
John German	Private.
John Huntress	Private.
James Traenor	Private.
Jacob Preston	Private.
Philip Bryant	Private.
Redmond Berry	Private.
Robert Standley	Private.
Delaney Ward	Private.
Total killed,	48

WOUNDED.

Names.	Rank.	Remarks.
James Lawrence	Captain	Since dead.
Augustus C. Ludlow	Lieutenant	Since dead.
George Budd	Lieutenant	Severely.
William Cox	Acting lieutenant	Slightly.
Samuel Livermore	Acting chaplain	Severely.
Francis Nichol	Midshipman	Severely.
Walter Abbott	Midshipman	
William A. Weaver	Midshipman	Severely.
Edmund M. Russel	Midshipman	Slightly.
William Berry	Midshipman	Slightly.
Peter Adams	Boatswain	Since dead.
James Sprout	Ordinary seaman	Severely.
John Appleton	Ordinary seaman	Severely.
Peter Quantin	Ordinary seaman	Dangerously.
James Butler	Ordinary seaman	Severely.
John Johnson	Ordinary seaman	Dangerously. Since dead.
John Peterson	Ordinary seaman	Severely.
Thomas Sterling	Ordinary seaman	Slightly.
Jefferson Griffith	Quartermaster	Severely.
Peter John	Seaman	Slightly.
James A. Lewis	Quartermaster	Severely.
John Smith	Seaman	Severely.
Joseph Weyland	Ordinary seaman	Slightly.
Francis Symonds	Seaman	Since dead.
Forbes Dela	Quartergunner	Since dead.
Eliphalet Carr	Seaman	Severely.
Thomas Flanagan	Seaman	Severely.
John Hodgman	Seaman	Since dead.
Francis Franklin	Ordinary seaman	Slightly.
Henry Hyde	Ordinary seaman	Severely.
Alexander Grant	Ordinary seaman	Slightly.
Enoch Hacket	Ordinary seaman	Severely.
Andrew Mercer	Seaman	Slightly.
John Talman	Seaman	Severely.
James Parker	Seaman	Severely.

Wounded—Continued.

Names.	Rank.	Remarks.
Ebenezer Day	Ordinary seaman	Severely.
Giles Cone	Ordinary seaman	Dangerously.
Andrew Vandemear	Seaman	Slightly.
Samuel Hatton	Sailmaker's mate	Slightly.
Darby Lee	Seaman	Since dead.
John Hunt	Ordinary seaman	Since dead.
Rola Peters	Seaman	Slightly.
Robert May	Seaman	Severely.
Thomas Finnegan	Gunner's yeoman	Slightly.
Joseph Vaughan	Ordinary seaman	Severely.
John Devo	Seaman	Since dead.
Noah Dearborn	Seaman	Severely.
John Rollins	Seaman	Slightly.
Charles Sargent	Seaman	Slightly.
William Metcalf	Seaman	Slightly.
Charles Thompson	Seaman	Severely.
Abraham Richardson	Ordinary seaman	Slightly.
James Durfee	Seaman	Slightly.
Thomas Smith, 2d	Quartergunner	Dangerously.
John Veazy	Quartergunner	Severely.
Lewis Hanscom	Ordinary seaman	Since dead.
William Hubar	Seaman	Severely.
John Giles	Quartergunner	Slightly.
Benjamin Sumner	Seaman	Dangerously.
William McAfferty	Seaman	Slightly.
Thomas Kouse	Quartergunner	Severely.
Marcus Mansel	Seaman	Since dead.
John Dezink	Seaman	Severely.
John Peterswing	Seaman	Slightly.
William Peterson	Seaman	Slightly.
William Stewart	Seaman	Severely.
Asa Newhall	Seaman	Severely.
Alexander Brown	Seaman	Severely.
Mathias Douglass	Ordinary seaman	Dangerously.
John McNiel	Seaman	Since dead.
John Crutchett	Seaman	Severely.
Thomas Jones, 2d	Seaman	Slightly.
John Caldwell	Seaman	Severely.
William Gardiner	Seaman	Severely.
Thomas Jackson, 2d	Quartermaster	Severely.
John Kegan	Seaman	Severely.
Michael Twee	Ordinary seaman	Slightly.
Marines.		
John Twiss	Sergeant	Slightly.
William Harris	Sergeant	Slightly.
William Dixon	Corporal	Since dead.
Richard Hoffman	Private	Slightly.
James Brown	Private	Severely.
Joseph Twiss	Private	Slightly.
George Upham	Private	Slightly.
John Crippen	Private	Slightly.
Samuel Jackson	Private	Slightly.
John Johnson	Private	Slightly.
John Wright	Private	Dangerously.
Miles Morris	Private	Severely.
Matthias Wolberry	Private	Severely.
Warren Fogg	Private	Slightly.
Thomas Johnson	Private	Slightly.
George Clyne	Private	Severely.
Joseph Crane	Private	Slightly.
William Lewis	Private	Severely.
John Livre	Private	Slightly.
John Brady	Private	Severely.

Total wounded 96

R. C. EDGAR, *Surgeon.*
T. J. CHEW, *Purser.*

HALIFAX, *June* 15, 1813.

Muster roll of the officers and men belonging to the late United States frigate Chesapeake, who were carried to Halifax as prisoners of war.

Names.	Rank.	Remarks.
George Budd	Lieutenant	
Richard C. Edgar	Surgeon	Returned to Boston per Frederick Augustus.
Francis Nichols	Midshipman	Returned to Boston per Frederick Augustus.
Walter Abbott	do	Returned to Boston per Agnes.
James W. Forrest	do	
Wm. Randolph	do	
D Higinbotham	do	
Wm. A. Weaver	do	Returned to Boston per Frederick Augustus.
Horatio Beatty	do	
Wm. Steele	do	
James A. Custis	do	
Edmund M. Russell	do	
George Miller	Carpenter	
William Thompson	Sailmaker	
Thomas Burseil	Seaman	
Benjamin Gold	do	
William Martin	do	
John Williams	do	
Joseph Allen	Ordinary seaman	
Moses Stephens	do	
Benjamin Osgood	do	
Joseph Stephens	Seaman	
William Thompson, 2d	do	Returned to Boston per Frederick Augustus.
Perry Yearman	Ordinary seaman	
William Brown, 2d	do	
Oliver Cromwell	do	
James Spourt	do	Returned to Boston per Frederick Augustus.
Harvey Howard	do	
Sylvester Stacey	do	
John Appleton	Seaman	Returned to Boston per Frederick Augustus.
John Orr	Ordinary seaman	Returned to Boston per Frederick Augustus.
Elias Beall	do	
Joseph Goodall	do	
Henry Foster	do	
Peter Quartin	do	Returned to Boston per Frederick Augustus.
James Butler	do	Returned to Boston per Agnes.
John Watson	do	
Joseph Pitcher	do	
William Thomas	do	
Green Camp	do	
Wilson Denight	Boy	Returned to Boston per Agnes.
Cæsar Black	Ordinary seaman	
John Johnson	do	
George Daw	do	
Philip Bertram	Boy	
George Williams	Seaman	
Henry Ensign	do	
Levi Waterman	Ordinary seaman	
Abijah Davis	do	
John Peterson	do	Returned to Boston per Agnes.
John Chappell, 1st	do	
Thomas Sterling	do	Returned to Boston per Frederick Augustus.
Richard Williams, 2d	do	Returned to Boston per Frederick Augustus.
John Monday	do	
Peter Davis	do	
Robert Spencer	do	
Jefferson Griffith	Quartermaster	Returned to Boston per Frederick Augustus.
Joseph Wells	Gunner's mate	
Henry C. Minor	Ordinary seaman	
Christian Carlson	Seaman	
Peter Labroder	do	
Peter John	do	
Nicholas Johnson	Quartermaster	
George North	Boatswain's yeoman	
John Pressy	Ordinary seaman	
John Lee	Boy	
James A. Lewis	Quartermaster	Returned to Boston per Agnes.
Lewis Francis	Ordinary seaman	
Christian Cook	do	
John Demidoff	do	
George Cawdell	Boy	

Muster roll—Continued.

Names.	Rank.	Remarks.
Haffiel White	Seaman	
George Fernandez	do	
William Frederick	Ordinary seaman	
William Day	Seaman	
Anthony Joseph	Ordinary seaman	
Patrick Brooks	Boy	Returned to Boston per Frederick Augustus.
Thomas Lindley	Seaman	
John Smith	do	Returned to Boston per Frederick Augustus.
Ebenezer Lord	Ordinary seaman	
Joseph Wheyland	do	Returned to Boston per Frederick Augustus.
Benjamin Simonds	do	
Samuel Hays	Seaman	
Henry Smith	do	
John Hill	do	
John Dale	Ordinary seaman	
Joseph Chedman	do	
Mathew Kentner	do	
Jonathan Shaw	Seaman	
John Wood	do	
Robert Holmes	do	
John Brown	Ordinary seaman	
James Sperrin	do	
John Scott	do	
John Smith	do	
John Joice	do	
Charles Wilford	Seaman	Returned to Boston per Frederick Augustus.
Andrew Sampson	do	
John Brice	Ordinary seaman	Returned to Boston per Frederick Augustus.
Peter Penyman	Seaman	
Eliphalet Carr	do	Returned to Boston per Agnes.
Francis Williams	Ordinary seaman	
Christian Nelson	Seaman	
Benjamin Landers	Cooper	
Robert Perkins	Seaman	
Hatch Oakman	Carpenter's yeoman	
Joseph Witcher	do mate	
Michael Grace	do do	
Lambert Flowers	Seaman	
Samuel Gale	Quartermaster	
Thomas Turner	Seaman	
Andrew T. Rogers	Ordinary seaman	
Thomas Flanagan	Seaman	Returned to Boston per Frederick Augustus.
John Buck	Ordinary seaman	
Joseph Russell	Boatswain's mate	
Peter Lingreen	Seaman	
Francis Franklin	Ordinary seaman	Returned to Boston per Frederick Augustus.
William Leonard	Cook	
Martin Mathley	Quartergunner	
Samuel Webber	Ordinary seaman	
Christian Holmes	Seaman	
Henry Hyde	Ordinary seaman	Returned to Boston per Agnes.
Henry White	Seaman	
Thomas Leonard	Ordinary seaman	
Alexander Grant	do	
Enoch Hackett	do	Returned to Boston per Frederick Augustus.
Magnus Sparing	Seaman	
Andrew Mercer	do	Returned to Boston per Frederick Augustus.
John Medley	do	
John Thompson	Ordinary seaman	
Paul Limer	Seaman	
John Tallman	do	Returned to Boston per Agnes.
Joseph Gale	do	
James Parker	do	
Martin Anderson	do	
Ebenezer Day	Ordinary seaman	Returned to Boston per Frederick Augustus.
James Waterman	do	
Stephen Ball	do	
Andrew Vandermear	Seaman	
Samuel Hatton	Sailmaker's mate	
Samuel Green	Ordinary seaman	
Francis Paris	do	
John White	Boy	
Henry Simpson	Gunner's mate	

Muster roll—Continued.

Names.	Rank.	Remarks.
Thomas Arthur	Seaman	
Thomas Barrett	do	
Joseph Wright	do	
Charles Reynolds	Ordinary seaman	
Rola Peters	Seaman	Returned to Boston per Frederick Augustus.
John McNeir	Boy	
Joseph Calhoon	Seaman	
Samuel Ratcliffe	do	
Stephen June	do	
John Douglas	Ordinary seaman	
Robert May	Seaman	Returned to Boston per Frederick Augustus.
Thomas Finigan	Gunner's yeoman	Returned to Boston per Frederick Augustus.
Joseph Vaughan	Ordinary seaman	Returned to Boston per Agnes.
Francis Commagee	do	
Thomas Gibson	Seaman	
Peter Thompson	do	
John Sieve	do	
Henry Stainback	Ordinary seaman	
Noah Dearborn	Seaman	Returned to Boston per Agnes.
John Rollins	do	Returned to Boston per Frederick Augustus.
Abraham Cutler	Ordinary seaman	
Charles Sargent	Seaman	
Salmon Goodrich	Armorer	
Edward N. Thayer	Midshipman	
Thomas Gould	Seaman	
William Metcalf	do	Returned to Boston per Frederick Augustus.
John Price, 2d	do	
Murty Collins	do	
William Philips	do	
James Peterson	do	
Charles Thompson	do	Returned to Boston per Frederick Augustus.
Abm. Richardson	Ordinary seaman	Returned to Boston per Frederick Augustus.
James Durfee	Seaman	Returned to Boston per Frederick Augustus.
Thomas Smith, 2d	Quartergunner	
Charles Eastland	Seaman	
John Vezy	Quartergunner	Returned to Boston per Frederick Augustus.
Mark Ferauld	Ordinary seaman	
Jonathan Walker	Quartergunner	
Daniel Croxford	Seaman	
Henry R. Goodwin	Boy	
William Hubar	Seaman	Returned to Boston per Agnes.
William Brown, 3d	do	
Matthew Rogers	Gunner	
Nathaniel Coles	Boatswain's mate	
Andrew Dunham	Boy	
Hammond Bush	Ordinary seaman	
John McNey	Boy	
Aaron Jackson	Ordinary seaman	
Peter Frost	Seaman	
John Coursey	Ordinary seaman	
Florence Crawley	do	
John Giles, alias Gerald	Quartergunner	Returned to Boston per Frederick Augustus.
Luke Sherburn	Seaman	
John Carlton	do	
Philip Blake,	do	
Benjamin Trefethan	do	
Benjamin Sumner	do	Returned to Boston per Frederick Augustus.
Joseph Pike	Ordinary seaman	
David Abbott	Seaman	
Joseph Sanders	do	
Andrew Cunningham	do	Returned to Boston per Frederick Augustus.
Jacob Ellsworth	do	
John Dix	Surgeon's mate	
William Swift	do	Returned to Boston per Frederick Augustus.
Halsey Carey	Seaman	
William R. Ruse	do	
William M'Cafferty	do	Returned to Boston per Frederick Augustus.
Lewis Doyle	do	
Luther Eldridge	do	
Francis Williams, 2d	Quartermaster	
Thomas Levinus	Ordinary seaman	
Thomas Jones	do	
Isaac Smith	Seaman	

Muster roll—Continued.

Names.	Rank.	Remarks.
William Parker	Quartergunner	Returned to Boston per Frederick Augustus.
William Staples	Ordinary seaman	
George Gifford	Quartermaster	
Mathias Rogers	Boy	Returned to Boston per Henry.
Charles Goodman	Seaman	
Thomas Kouse	Quartergunner	Returned to Boston per Agnes.
William Wainwright	Ordinary seaman	
William Worthington	do	
Michael Rutherds	Seaman	
John Dezinck	do	Returned to Boston per Agnes.
John Peterswing	do	Returned to Boston per Frederick Augustus.
Nathan Leaver	do	
Daniel Malona	Ordinary seaman	
William Gordon	do	
Benjamin Proctor	do	
William Perry	do	
William Peterson	Seaman	Returned to Boston per Frederick Augustus.
Stephen Haynes	Quartergunner	
John Northup	Seaman	
William Stewart	do	Returned to Boston per Frederick Augustus.
John Elburn	do	
Joseph Antonio	do	
Emanuel Gaumas	do	
Peter Decosta	do	
Michael Tivyly, alias Tivea	do	Returned to Boston per Frederick Augustus.
Emanuel James	do	
Asa Newhall	do	Returned to Boston per Frederick Augustus.
Alexander Brown	do	Returned to Boston per Frederick Augustus.
Michael Douglass	Ordinary seaman	Returned to Boston per Frederick Augustus.
James Denny	Seaman	
Charles Sherlock	do	
John Johnson, 2d	do	
Nicholas Fountain	Master-at-arms	
Israel Buckins	Seaman	
William Small	do	
George Mills	do	
Christian Stephens	do	
Mason Reynolds	do	
Charles Brunnan	do	
James Alexander	do	
Charles Westerberg	do	
Thomas Taylor	do	
William Lockwood	do	
John Fisher	Midshipman	
Kingsbury Moore	Seaman	
John Lund	do	
Thomas Carpenter	do	
William Jones	do	
John Crutchett	do	
Robert Millikin	do	
Daniel Low	do	
Thomas Jones, 2d	do	Returned to Boston per Frederick Augustus.
John Caldwell	do	Returned to Boston per Frederick Augustus.
James Tompkins	Ordinary seaman	
William Gardiner	Seaman	Returned to Boston per Frederick Augustus.
Thomas Hardy	do	
Thomas Jackson, 2d	Quartermaster	Returned to Boston per Agnes.
William Cox	Acting lieutenant	Returned to Boston per Frederick Augustus.
William M'Kenney	Midshipman	Returned to Boston per Henry.
Thomas I. Chew	Purser	Returned to Boston per Henry.
Josiah Rainsford	Steward	Returned to Boston per Henry.
Ab'm W. Blanchard	Clerk	Returned to Boston per Henry.
Russell Baldwin	Acting midshipman	Returned to Boston per Henry.
Samuel Livermore	Acting chaplain	Returned to Boston per Frederick Augustus.
Benjamin Follett	Acting midshipman	
——— Flushman	do	
Thomas Smallpence	Master's mate	
Edward Parker	Boy	Returned to Boston per Henry.
William Jordan	Boy	
Esaw Himan	Captain's steward	
John Kegan	Seaman	Returned to Boston per Frederick Augustus.
William Berry	Midshipman	Returned to Boston per Frederick Augustus.
John Twiss	Sergeant marines	

Muster roll—Continued.

Names.	Rank.	Remarks.
Richard Hoffman	Private	Died on the passage per Frederick Augustus.
James Brown	do	Returned to Boston per Frederick Augustus.
Thomas Stocker	do	
Joseph Twiss	do	Returned to Boston per Frederick Augustus.
George Repham	do	Returned to Boston per Frederick Augustus.
John Crupper	do	Returned to Boston per Frederick Augustus.
Samuel Jackson	do	Returned to Boston per Frederick Augustus.
John Johnson	do	
John Wright	do	
Miles Morris	do	Returned to Boston per Frederick Augustus.
Nicholas Tilton	do	
James Orault	Corporal	
Jonathan Landers	Private	
Joseph Smith	do	
Mathias Woobery	do	Returned to Boston per Frederick Augustus.
Warren Fogg	do	Returned to Boston per Frederick Augustus.
Thomas Johnson	do	Returned to Boston per Frederick Augustus.
John Creasy	do	
Sylvester Holland	do	
George Clyne	do	Returned to Boston per Frederick Augustus.
Joseph Crane	do	Returned to Boston per Frederick Augustus.
Archibald Roulstone	do	
William Harris	Sergeant	
Patrick Dillon	Private	
William Lewis	do	Returned to Boston per Frederick Augustus.
Joseph Clarke	do	
James Dearin	do	
Isaac Porter	Fifer	
John Livre	Private	
John Brady	do	Returned to Boston per Frederick Augustus.

THOMAS I. CHEW, *Purser.*

19TH CONGRESS.] No. 296. [1ST SESSION.

ON THE EXPEDIENCY OF ESTABLISHING A NAVY YARD AT CHARLESTON, SOUTH CAROLINA, AND ON THE ST. MARY'S RIVER, OR AT SAVANNAH, GEORGIA, ETC.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 2, 1826.

Mr. STORRS, from the Committee on Naval Affairs, who have been directed, by resolution of the House, respectively to inquire into the expediency of establishing a navy yard at Charleston, in South Carolina, and at some suitable point on the St. Mary's river, and to whom was also referred the memorial of the mayor and alderman of the city of Savannah as to the inquiries directed by the said resolution, and so much of the said memorial as prays the establishment of a navy yard or depot at Savannah, reported:

That they have considered the said projects so referred to them by the House, and are of opinion that it is inexpedient, at this time, to establish a navy yard at any port between the Chesapeake Bay and Cape Florida. Before a navy yard can be judiciously located at any place between these points, on the coast, it is indispensable that further surveys should be made of harbors, which have not yet been minutely and thoroughly examined. Among these are Beaufort in South Carolina, and Savannah and Brunswick in Georgia, for the survey of which, the committee recommend to the House that an appropriation be made of the sum of eight thousand dollars. This amount will, in the opinion of the committee, be sufficient to cover all the expenses incident to such surveys.

On an application from the Naval Committee of the Senate, the Secretary of the Navy informed them that the survey of Charleston and St. Mary's did not enable him to decide, on the point between Hatteras and Florida Cape, at which it would be best to have a naval establishment, but that surveys would be necessary of Savannah, Brunswick and Beaufort.

R. Y. HAYNE, *Chairman on Naval Affairs of the Senate.*

See also Secretary of the Navy's annual report of Dec. 2d, 1825, page 75.

19TH CONGRESS.] No. 297. [1ST SESSION.

ON THE EXPEDIENCY OF ESTABLISHING A NAVY YARD ON THE RIVER THAMES, IN CONNECTICUT.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 2, 1826.

Mr. STORRS, from the Committee on Naval Affairs, who were instructed, by a resolution of the 6th of January last, to inquire into the expediency of establishing a navy yard in the waters of the river Thames, in the State of Connecticut, reported the following resolution:

Resolved, That it is not expedient, at this time, to establish a navy yard in the waters of the river Thames, in the State of Connecticut.

19TH CONGRESS.] No. 298. [1ST SESSION.

ON THE EXPEDIENCY OF ESTABLISHING A NAVY YARD AND STATION ON THE NARRAGANSET BAY, IN RHODE ISLAND.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 2, 1826.

Mr. STORRS, from the Committee on Naval Affairs, who were instructed, by a resolution of the House, of the 5th of January last, to inquire into the expediency of establishing a navy yard and naval station within the waters of Narraganset Bay, in the State of Rhode Island, reported the following resolution:

Resolved, That it is not expedient, at this time, to establish a navy yard or naval station in the waters of Narraganset Bay, in the State of Rhode Island.

19TH CONGRESS.] No. 299. [1ST SESSION.

ON THE EXPEDIENCY OF ESTABLISHING A NAVY YARD AT BALTIMORE, MARYLAND.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 2, 1826.

Mr. STORRS, from the Committee on Naval Affairs, to whom was referred the memorial of the mayor and city council of Baltimore, praying that a navy yard may be established at that port, and who were also directed, by a resolution of the House, of the 16th of December last, to inquire into the expediency of establishing a navy yard at the said port, reported:

That they have had the subjects of the said memorial and resolution under their consideration, and are of the opinion that it is inexpedient, at this time, to provide by law for the establishment of a navy yard at the said port. It does not appear to the committee that any pressing necessity exists at this time, which calls for the increase of the number of navy yards north of the entrance to the Chesapeake, and if it shall be found hereafter expedient to increase them, it will first be necessary to obtain complete surveys of the whole of that part of the coast. The committee now have under their consideration the expediency of providing by law for completing the survey of the coast of the United States, as recommended in the report of the Secretary of the Department of the Navy to the President of the United States, in his letter of the 2d of December, 1825, and by the President communicated to Congress, with his message, at the commencement of the session; and they, therefore, deem it inexpedient to grant the prayer of the said memorial. They recommend to the House the following resolution:

Resolved, That the Committee on Naval Affairs be discharged from the further consideration of the said memorial.

19TH CONGRESS.] No. 300. [1ST SESSION.

ON THE ADDITIONAL NAVAL FORCE REQUISITE FOR THE PROTECTION OF THE COMMERCE OF THE UNITED STATES WITH BRAZIL AND BUENOS AYRES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 7, 1826.

NAVY DEPARTMENT, *March* 3, 1826.

SIR: In answer to the resolution of the House of Representatives, of the 23d February, "that the Secretary of the Navy be directed to report if there are a sufficient number of vessels now in commission, for actual service, to enable him to extend adequate protection to our commerce to the empire of Brazil and to the republic of Buenos Ayres; and, in the event of the whole naval force in commission being engaged on other stations, what additional appropriation will be required for this object," I have the honor to state that estimates have been formed and an appropriation bill passed for the support, in commission, of one ship of the line, three frigates of the first class, one frigate of the second class, six sloops-of-war of the first class, three sloops of the second class, and seven brigs, schooners, &c.

These vessels were intended to be distributed in the following manner:

In the Mediterranean—North Carolina 74, Constitution frigate, sloops Erie and Ontario, and schooner Porpoise. These vessels are now there, and it is not believed that any change can be made, with safety to the public interest, by withdrawing any part of this force.

In the Pacific—the frigate United States, sloop Peacock, and schooner Dolphin. The Brandywine, now in commission, will be prepared for the purpose, and relieve the frigate United States, so that that vessel will return about the close of the year. The Peacock must, in like manner, be relieved by another sloop-of-war, and it was intended to send an additional vessel of that class, making in all a frigate, two sloops and a schooner,—a force which cannot be diminished with safety to our commercial interests in that ocean.

In the West Indies we have the frigate Constellation, corvette John Adams, sloop Hornet, brig Spark, and schooners Shark, Grampus and Fox, to which may be added the corvette Cyane, intended for that station at the expiration of her present cruise on the coast of the Brazils and Buenos Ayres. The recollections of the last two years admonish us that any part of this force cannot be withdrawn. It could be sent to no place where our interests are in greater jeopardy. Indeed, the impression is not feeble that we ought to increase it without delay.

This distribution of the force leaves but a single sloop-of-war in commission, which is not specifically attached to and employed in the protection of commerce upon and near some station. Separate service, and objects of a general nature, will certainly employ that one.

It may, therefore, in answer to the resolution, be stated that there are not a sufficient number of vessels, now in commission for actual service, to enable the Department to extend adequate protection to our commerce to the empire of Brazil and to the republic of Buenos Ayres. It is believed that an additional frigate and two sloops-of-war would be necessary for that object, and an estimate is herewith transmitted, marked A, of the annual expense of supporting a frigate of the first class, one of the second class, and one sloop-of-war.

The appropr ation which shall be made by Congress will determine the character and number of the vessels which will be put in commission for that service.

I have the honor to enclose copies of communications, recently received, marked B, C, D, and E, recommending the employment of an additional naval force, for the purpose mentioned in the resolution.

I am, very respectfully, &c.,

SAMUEL L. SOUTHARD.

The SPEAKER *of the House of Representatives.*

A.

Estimate showing the annual expense, for one year, of a frigate of the first and second class, and of a sloop-of-war, exclusively of the pay and rations of the commission and warrant officers, but including the expense of outfits.

	Frigate, 44.	Frigate, 36.	Sloop.
Pay of petty officers, seamen, &c.	$53,772 00	$44,616 00	$17,712 00
Provisions	36,043 75	29,930 90	11,223 75
Medicines and hospital stores	2,000 00	1,600 00	1,000 00
Outfits, to be appropriated	50,000 00	45,000 00	20,000 00
Wear and tear, under head of "repairs"	16,000 00	12,000 00	8,000 00
	$157,815 75	$133,146 00	$57,935 75

B.

WASHINGTON, *February* 15, 1826.

SIR: Intelligence, apparently authentic, having reached this country of the existence of a state of war between the governments of Brazil and of the United Provinces of the La Plata, the undersigned, on behalf of their constituents, beg leave to represent to you the consequences likely to result from the war

between these governments. The uniform course of events, for the last seventeen years, leaves no doubt of the fact that the coasts and waters of the countries at war will instantly swarm with privateers, and pirates assuming their character, and that the commerce of neutral powers will become the indiscriminate prey of their rapacity. To prevent the vexatious delays and losses which must ensue, the undersigned, on behalf of their constituents engaged in commerce with Rio Janeiro, Buenos Ayres, and other ports of the government of Brazil, and of the United Provinces of La Plata, respectfully ask leave to suggest the expediency of dispatching forthwith a respectable naval force, to protect the American navigation from the interruption and insults to which it must otherwise be exposed in that quarter. Leaving all further considerations of the urgency of this step, or of the amount of force required by the exigency of the occasion, the undersigned beg leave to sign themselves,

With great respect, your faithful, humble servants,

JOHN REED.
JOHN BAILEY.
JOHN DAVIS.
H. W. DWIGHT.
DANIEL WEBSTER.
B. W. CROWNINSHIELD.
SAMUEL LATHROP.
SAMUEL C. ALLEN.
JOHN VARNUM.
AARON HOBART.
EDWARD EVERETT.
JOHN LOCKE.
FRANCIS BAYLIES.

Hon. S. L. SOUTHARD, *Secretary of the Navy.*

C.

BOSTON, *February* 20, 1826.

SIR: The existing war between the Brazilian and Buenos Ayrean governments, it is feared, by the merchants trading to South America, both on this side and beyond the capes, and to India and China, will be put in great hazard. The valuable trade, which has necessarily to pass at no great distance from the seat of war, or the importance and value of this trade, does not require to be remarked upon. It is believed much of the danger may be avoided, should the government think proper to send a respectable force, to cruise off the coast from the La Plata to northwardmost part of the Brazilian territory, with orders occasionally to show itself at Buenos Ayres, Montevideo, Rio Janeiro, Pernambuco, &c. Many privateers will be fitted out on both sides; and however either government may be desirous to keep them within bounds, as respects neutral states, it is to be feared they cannot be restrained from committing depredations on our commerce, particularly in cases where the incitement is strong, from the value of the cargo; as would be the case of those going to and coming from India, China, and the southern coast of America.

It is respectfully suggested that a small force would rather give confidence to than awe those who may be disposed to prey upon us. The opinion here is that the contest will be soon over; but that, until such is the case, property will be very unsafe in those seas.

Gentlemen have thought it best that you should be addressed on the subject, rather than to memorialize the President; should your opinion be in accordance with ours, a suggestion from you to the Executive would produce the desired effect.

With much personal regard, and with sentiments of respect from those who join me in the application, and at whose request I make the above suggestion,

I am, sir, your obedient servant. T. H PERKINS.

Hon. SAMUEL L. SOUTHARD, *Secretary of the Navy.*

D.

PHILADELPHIA, *March* 1, 1826.

SIR: The Philadelphia Chamber of Commerce, at a special meeting held last evening, directed me, as their organ, respectfully to represent the exposure to which it is believed the commerce of the United States, in the trade to South America, will be exposed, in consequence of the war which has been declared by the Emperor of Brazil against the republic of Buenos Ayres, and to solicit in their behalf such protection from the armed vessels of the United States as the government in their wisdom may consider effective and competent to the object.

The fostering care which is manifested on all occasions by the Naval Department towards the commerce of the country, inspires the highest confidence that, on the present occasion, there will be nothing wanting to comply with the reasonable wishes of the mercantile part of the community which existing circumstances will permit. Notwithstanding, it is viewed as a duty by the chamber to make known the apprehensions which are excited for property supposed to be in jeopardy, and to co-operate with their fellow-citizens in other seaports, who have or may make known similar apprehensions to the government.

With sentiments of the highest respect, I have the honor to be, &c.,

ROBERT RALSTON, *President of the Philadelphia Chamber of Commerce.*

To the honorable the SECRETARY *of the Navy.*

E.

BALTIMORE, *March* 2, 1826.

SIR: It cannot be necessary for me to state to you the great magnitude of our commerce with the rich and extensive empire of Brazil, and with the provinces of Rio de la Plata; that its importance is enhanced in a national point of view, from the circumstance of its taking off a larger proportion of the produce of our country than any other branch of our South American trade; that owing to the existing state of war in those countries, the whole of this valuable commerce is left to the mercy of pirates, privateers, and men-of-war; the first two always ready to depredate on the property of any nation, and the latter but little disposed to respect neutral rights (as we know from experience), unless awed by the presence of a respectable naval force.

The Chamber of Commerce of this city, therefore, most respectfully beg leave to suggest the expediency of immediately dispatching, not only a respectable, but an imposing naval force, for the protection of our commerce in that quarter.

I have the honor to be, with the utmost respect, your most obedient servant,

W. LORMAN, *President of the Baltimore Chamber of Commerce.*

To the Hon. SAMUEL L. SOUTHARD, *Secretary of the United States Navy.*

19TH CONGRESS.] No. 301. [1ST SESSION.

INSTRUCTIONS FOR THE ENCOURAGEMENT OF VACCINATION IN THE NAVY.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 8, 1826.

NAVY DEPARTMENT, *March* 6, 1826.

SIR: In answer to the resolution of the House of Representatives, of the 10th of February last, "that the Secretary of the Navy be directed to inform this House whether any, and, if any, what, regulations have been adopted by that Department for the encouragement of vaccination in the navy of the United States," reported:

That in the month of August, 1816, the commissioners of naval hospitals appointed Doctor Elnathan Judson an acting surgeon, (see paper A,) and instructed him "to visit the several ports of the United States, for the purpose of vaccinating all the seamen, ordinary seamen, and others attached to the United States navy, who had not been previously secured against the small-pox by that salutary operation," (see paper B.) Orders were also given to him from time to time containing directions for his government; but as they relate principally to the places where the duties were to be performed, it is not considered necessary to annex them to this report. Doctor Judson continued to act under his appointment until June 7, 1821, (see paper C.)

On the 13th June, 1821, he was appointed an acting surgeon of the navy, and received orders from the Secretary of the Navy similar to those which he had before received from the commissioners of the naval hospitals, (see paper D,) and he continued to act under them until the 2d October, 1824, when other duties were assigned to him. Since that time no person has been ordered on this service.

No general regulations have been adopted by the Department for the encouragement of vaccination in the navy of the United States, other than those which relate to the general health of our vessels, as found in the rules and regulations for the navy, page 44, &c., and especially the 20th article, relating to the duty of surgeons, (see paper E.)

It is considered the duty, both of the commanding officer and the surgeon, to see that every precaution is taken both to prevent and arrest contagious and other diseases; a duty for the faithful performance of which they are held responsible. The small-pox has not frequently made its appearance in our ships, though instances have occurred, the most recent of which was on board the frigate United States, in the Pacific ocean, in September last, by which one seaman was lost, and several others suffered severely. At the last advices, health had been entirely restored to the ship.

I have the honor to be, very respectfully, sir, your obedient servant,

SAMUEL L. SOUTHARD.

The honorable SPEAKER *of the House of Representatives.*

A.

Doctor Elnathan Judson:

You are hereby appointed an acting surgeon under the act establishing naval hospitals in the United States, and you will be entitled to the pay and emoluments of a surgeon in the navy during the period of your services under this appointment. In every stage of your operations you will make a regular report weekly to the Secretary of the Navy of the number and description of the persons vaccinated, and consider yourself subject to such further orders as the commissioners of naval hospitals may deem expedient.

Given under our hands this 5th day of September, 1816.

A. J. DALLAS, *Secretary of the Treasury.*
B. M. CROWNINSHIELD, *Secretary of the Navy.*

B.

NAVY DEPARTMENT, *August* 7, 1816.

SIR: By direction of the honorable the commissioners of naval hospitals in the United States, I have the pleasure of transmitting to you an appointment as acting surgeon, and you are hereby authorized to visit the several ports of the United States, for the purpose of vaccinating, gratis, with the best vaccine matter, all the seamen, ordinary seamen, and others, attached to the United States navy, who may not previously have been secured against the small-pox by that salutary operation. You will be pleased to notify your acceptance of this trust, and make reports of your progress accordingly.

Your pay will be determined and settled when the commissioners shall again meet upon the execution of their duties

I am, very respectfully, &c., BENJAMIN HOMANS.

By order of the commissioners of naval hospitals.

Doctor ELNATHAN JUDSON, *New York.*

NAVY DEPARTMENT, *August* 22, 1816.

SIR: In reply to your letter of the 20th, current, requesting instructions as to the extent of your operations under your commission, I have the honor to inform you that the immediate appointment is predicated upon the several principles of humanity towards that useful class of citizens, seamen. You will therefore give public notice in such newspapers as may be disposed to favor the cause *gratis*, and apply to the commanding naval officers personally, for such an examination of the men actually in service, to whom, of course, you will always give a preference, and such others of the class of seamen as may apply, you will not turn away. You will proceed in this business as your own good judgment shall point out, and notify your change of residence from time to time. Your pay will be settled when the commissioners meet, and the mode will then be pointed out.

I am, very respectfully, &c.,

BENJAMIN HOMANS, *Secretary to the Commissioners of Naval Hospitals.*

Doctor ELANTHAN JUDSON, *Acting Hospital Surgeon, Philadelphia.*

NAVY DEPARTMENT, *October* 28, 1816.

SIR: In reply to your letter of the 24th inst., I will observe that your appointment, being direct from the commissioners of naval hospitals, you are alone subject to their orders, there being no intermediate officer between them and yourself in the establishment. Being thus responsible to the said commissioners, you will use your own discretion and judgment in the exercise of your duties, and report your progress and proceedings regularly for their approval, as well as to show the proper application of your time and attention to the object of your appointment. In the letter of instructions, of the 22d of August, you were directed to apply to the naval commanding officers upon the several stations; therefore, a proper respect for them would point out, of course, a compliance with their requests, when the good of the service shall require, and not incompatible with your immediate duties.

I am, very respectfully, &c.,

BENJAMIN HOMANS, *Secretary to the Commissioners of Naval Hospitals.*

Doct. ELNATHAN JUDSON, *Acting Hospital Surgeon, New York.*

NAVY DEPARTMENT, *September* 8, 1817.

SIR: Your letter of the 29th August, and annual report of persons vaccinated, have been duly received, and are satisfactory evidence of your attention and zeal in performing the duties assigned you. Orders will be transmitted to you by the next mail, in relation to the further prosecution of your labors, and, in pursuance of which, you will immediately proceed to New Orleans. By the next mail you will also receive a remittance of six hundred dollars, to meet your expenses.

I am, respectfully, &c., by order of the commissioners of naval hospitals,

BENJAMIN HOMANS.

Doctor ELNATHAN JUDSON, *Acting Hospital Surgeon, Charleston, S. C.*

NAVY DEPARTMENT, *September* 9, 1817.

SIR: Your proceedings, thus far, under your appointment, have been approved, and upon receipt of this you will proceed to New Orleans, and report yourself, to the commanding naval officer upon that station, as acting hospital surgeon, under the commissioners of naval hospitals. In so reporting, you are not to consider yourself under the orders of any officer, or the control of any surgeon of the United States navy; your authority being direct from the honorable commissioners of naval hospitals, for the purpose of vaccinating, with pure virus, all the seamen of the United States navy, and, subsequently, all others who may apply for, or be willing to receive the benefit.

In reporting to the commanding officer of any station, you will request from him an order to the officers under his command, to facilitate your operations, and to have their men all mustered for the purpose of being vaccinated; and you will report, to the commissioners, any obstructions you may meet with in the discharge of this duty, in order that measures may be taken accordingly, to secure the successful issue of your appointment. By exhibiting your authority to the commanding officers of the navy, it is presumed you will meet with every attention and support in their power to afford.

I am, respectfully, &c., by order of the commissioners of naval hospitals,

BENJAMIN HOMANS, *Secretary to the Commissioners.*

Doctor ELNATHAN JUDSON, *Acting Hospital Surgeon, Charleston, S. C.*

To all captains and commanding officers of the United States navy:

Whereas, The commissioners of naval hospitals have appointed Doctor Elnathan Judson a surgeon in the hospital establishment, and he is specially charged with the duty of vaccinating the seamen of the

United States; therefore, you will please to recognize Doctor Judson, in his official station, permit him to examine and vaccinate all seamen, and others, under your command, and afford to him generally all the facilities and aid in your power to accomplish those important objects, of which he will, from time to time, make due report to the Navy Department.

B. W. CROWNINSHIELD, *Acting Commissioner of Naval Hospitals.*

NAVY DEPARTMENT, *June* 29, 1818.

C.

NAVY DEPARTMENT, *June* 7, 1821.

SIR: Your letter of this date, resigning your appointment as acting surgeon under the act establishing naval hospitals, has been received, and your resignation accepted; and we avail ourselves of this occasion to inform you that the duties assigned you under that appointment have been discharged with fidelity, and to our entire satisfaction; and we hope and trust your services will contribute very materially to exterminate the small-pox, which has, in times past, been exceedingly destructive among our seamen.

We are, very respectfully, &c.,

S. THOMPSON.
M. H. CRAWFORD.
J. C. CALHOUN.

DR. ELNATHAN JUDSON, *late Acting Hospital Surgeon. Present.*

D.

NAVY DEPARTMENT, *June* 13, 1821.

SIR: You will proceed to Philadelphia, New York, Boston, and Portsmouth, N. H., and report yourself to the commanding naval officers of each of these stations, for the purpose of vaccinating, with the best vaccine matter, all the seamen, ordinary seamen, and others attached to the United States navy, who may not previously have been secured against the small-pox. The commanding naval officers will afford you all the facilities and aid in their power to enable you to accomplish this object.

I am, respectfully, &c.,

SMITH THOMPSON.

DR. ELNATHAN JUDSON, *Acting Surgeon United States Navy. Present.*

NAVY DEPARTMENT, *January* 14, 1822.

SIR: You will visit the principal seaports in the United States, and administer gratuitously to all seamen, who may not be secured against the small-pox, the benefits of vaccination, reporting from time to time your change of station, and the progress made by you in the discharge of the special duties assigned to you. The Fourth Auditor of the Treasury will remit to you your pay as it shall accrue, and make the same allowances in the settlement of your account as were done heretofore, when you were acting under the authority of the commissioners of naval hospitals.

I am, respectfully, &c.,

SMITH THOMPSON.

DR. ELNATHAN JUDSON, *Surgeon United States Navy. Present.*

E.

"20. He shall occasionally inspect the crew, and take every precaution to prevent the origin or progress of contagion; on the appearance of which, he shall, without delay, report the case to the commander, in order that a timely separation may be made of the sick from the well, and adopt such measures as may have a tendency to arrest the progress of the disease."

19TH CONGRESS.] No. 302. [1ST SESSION.

ON THE UTILITY OF A BREAKWATER AT THE CAPES OF THE DELAWARE TO THE VESSELS OF THE NAVY.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 14, 1826.

NAVY DEPARTMENT, *March* 11, 1826.

SIR: In answer to the resolution of the House of Representatives, of the 6th of February, directing "the Secretary of the Navy to inquire and report whether the construction of a breakwater at the capes of the Delaware, for the security of merchant vessels seeking a shelter from storms, would not furnish important advantages to the navy of the United States, in operations offensive and defensive, in war as well as in building, repairing and equipping public vessels in time of peace," the Secretary of the Navy

has the honor to report, that there are not in the possession of this Department any important facts other than those which are within the knowledge of the public, and which have been presented to Congress in the various documents relating to the subject which occasioned this resolution.

It is not perceived in what way the smaller of the two breakwaters proposed could furnish advantages, of any description, to the navy of the United States, either in peace or war, as the depth of water would prevent its use by the vessels belonging to the navy. Nor is it perceived in what way advantage could be derived from the larger of the two breakwaters, in building, repairing and equipping vessels in time of peace, unless, after its completion, works for those purposes should be added.

Of the expense of such works no safe estimate can be formed until after the breakwater is completed. Their usefulness must depend upon the sufficiency of our navy yards and depots, which are designed for those purposes. At present these are believed to be sufficient for the number of our vessels and the wants of the service, and that it would not be expedient, at great expense, to provide another establishment, unless it is the intention of the legislature to break up one or more of those now in use.

It is not improbable that a very large and very useful navy yard, for building and repairing, might be formed there; but probability is all that can be reached upon the subject until the breakwater is erected.

The advantages which the navy would derive from the larger of the proposed works, are, protection from storms, in peace and war, in the same way and to the same extent as merchant vessels on that part of our coast, and as a place of resort for security from a superior force, where a junction of separate portions of our own forces might be formed, and from which an attack might be advantageously made on an enemy cruising on the coast.

These advantages will be estimated highly when the nature of our coast, and the distance from the Chesapeake to the head waters of New York and New England, are considered.

The copy of a letter from the Commissioners of the Navy, herewith transmitted, will present their views upon the subject.

All which is respectfully submitted.

SAM'L L. SOUTHARD.

The SPEAKER *of the House of Representatives.*

NAVY COMMISSIONERS' OFFICE, *February* 7, 1826.

SIR: The small breakwater, or partial harbor, would not, in the opinion of the board, afford any protection or shelter to the vessels of the navy. There is not a sufficient depth of water even for the class of sloops-of-war. It could not, therefore, become a place of resort for our vessels either in peace or war.

The large breakwater in contemplation may, in many views, be considered as offering important advantages to the vessels of our navy cruising along or approaching the coast. If cruising near the capes of the Delaware, on the appearance of an easterly storm, vessels could, and would no doubt avail themselves of such a harbor to ride out the storm in safety, instead of contending with it on the ocean, where great damages, possibly a total loss, might occur. Without such a safe harbor to bear up for, where they might find protection against the storm, and shelter against the ice, they would continue at sea and contend with its furies, in preference to contending with the dangers of the ice. Hence, it is evident that, in time of peace, the large breakwater would be of benefit to the vessels of our navy.

In a state of war these advantages would be greatly increased. A vessel of our navy, falling in with a superior force, might be saved by retreating to such a harbor, where protection against the enemy, and the winds and ice, would be found. For want of such a harbor, a vessel might be captured or stranded in an effort to avoid a superior force. Greatly more important will these advantages appear when considered in reference to a squadron or fleet of our vessels. Such a squadron cruising between New York and the Chesapeake, where an enemy's squadron might also be cruising—suppose a storm to arise before the two squadrons can meet—ours could find shelter from the storm, while that of the enemy would be completely exposed to it; and, when the storm should subside, our squadron would proceed in search of the enemy, who, being most probably in a crippled state, would be easily found and easily vanquished.

Again, suppose an enemy's squadron to be cruising between New York and the Chesapeake, and that we have a squadron lying at New York, and another at Hampton Roads—each, singly, inferior, but, when united, equal or superior to the enemy; a junction becomes important to enable us to contend with the enemy; and, in order to effect it, one of these squadrons sails for the port where the other may be riding; on its passage thither it falls in with the enemy, and is pursued by him, but has time to arrive at the great breakwater, which it enters, and is saved by the protection which that work would afford.

Many other views might be taken, but it is presumed that those mentioned will be sufficient.

I have the honor to be, with great respect, sir, your most obedient servant,

WM. BAINBRIDGE.

Hon. SAM'L L. SOUTHARD, *Secretary of the Navy.*

19TH CONGRESS.] No. 303. [1ST SESSION.

ON THE NECESSITY OF INCREASING THE NAVAL FORCE FOR THE PROTECTION OF THE COMMERCE OF THE UNITED STATES WITH BRAZIL AND BUENOS AYRES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 17, 1826.

Mr. BARTLETT, from the Committee on Naval Affairs, to whom was referred a communication from the Secretary of the Navy, of the 3d instant, in answer to a resolution of the House of the 23d of February last, inquiring "if there are a sufficient number of vessels now in commission for actual service to enable him to extend adequate protection to our commerce to the empire of Brazil and to the republic of Buenos Ayres, and, in the event of the whole naval force in commission being engaged on other stations, what additional appropriation will be required for that object," reported:

That they have had the subject so referred to them by order of the House under their consideration, and, in their opinion, a due regard to the interests of the United States, and the protection of its commerce, requires that provision should be made by law for fitting out a naval force adequate to their security from aggression by the public or private armed vessels of the governments now at war on the eastern coast of South America. It appears, by the letter of the Secretary of the Navy Department, that the means now in the power of the government will not enable that Department to afford this protection to our commerce in that quarter, without withdrawing a naval force from other stations, where it cannot be diminished with safety. The committee are of opinion that the force to be sent on this service should not be less than a frigate of the first or second class, and two sloops-of-war. The Guerriere can be prepared for sea in ninety, the Congress in sixty, and the Macedonian in forty-five days, and two sloops-of-war in about sixty days. To enable the government to fit out one of these frigates and two sloops-of-war, the committee have directed a bill to be reported to the House, making the necessary appropriations for that object.

NAVY DEPARTMENT, *March* 11, 1826.

SIR: I enclose you a letter which will explain the situation of the vessels, and the time required to fit them.

I also enclose a detailed statement of the expenses of supporting a ship of each class. The clerk did not understand me, and made the statement embrace the *commissioned and warrant officers*, which is not done in the paper A, annexed to the report. It is now too late to correct the error, but a short explanation will relieve from the difficulty.

The paper A states the amount of the expense of the vessels, exclusive of commissioned and warrant officers.

The paper B, from the line which is drawn across it, gives the items of that expense, so far as pay and subsistence is concerned. By adding them up, you will perceive the amounts agree.

Paper B gives *all* the expense of pay and subsistence of all the officers. The commissioned and warrant officers were not embraced in A, because the support of them is provided for in the annual appropriation bill. The others are employed when the vessels are put in commission.

The item of provisions in A, is formed by taking each *person* on board the vessels, and calculating one ration for each at twenty-five cents. Thus you will perceive that in a frigate of the first class there are of officers, seamen, &c., 436 persons; multiply this by the days in the year, 365, and divide by four, and you have the amount in dollars, of that item in C.

So take the number of petty officers, seamen, &c., and multiply and divide in the same mode, and you have the amount of that item in A.

The three remaining items in A are the uniform estimate on those subjects, and as near the truth as we can come. Sometimes they are a little more and sometimes a little less than the actual wants of the vessel, but always very near the truth.

The haste in which these statements are made induces me to request you to consider them private, so far as not to print them, and if further explanations be required, I will call on you to-morrow and give them.

I am, very respectfully, &c., SAM'L L. SOUTHARD.

Hon. H. R. STORRS, *Chairman Naval Committee.*

NAVY DEPARTMENT, *March* 11, 1826.

SIR: There are three frigates, one of the first, and two of the second class, which may be fitted for sea in a short time, viz:

The Guerriere in ninety days; the Congress in sixty days; the Macedonian in forty-five days. The Guerriere and Macedonian are at Norfolk—the Congress at this yard.

There are also two of the new sloops-of-war, viz: the Lexington and Vincennes, both at New York, which may be prepared for sea in about 60 days.

The only doubt as to the times mentioned arises from the difficulty in enlisting seamen, but it is hoped that little, if any, delay will arise from this cause.

I enclose to you a detailed statement respecting the estimates of the expenses of preparing and supporting these vessels for the year.

I am, very respectfully, &c., SAM'L L. SOUTHARD.

Hon. HENRY R. STORRS, *Chairman Naval Committee, House of Representatives.*

B.

Estimate of the pay and subsistence of all persons attached to a frigate of the first class, a frigate of the second class, and a sloop-of-war, for one year.

	Frigate of the 1st class.		Frigate of the 2d class.		Sloop-of-war.	
Captains	1	$2,112 50	1	$2,112 50		
Master commandants	....	.....	....	.....	1	$1,085 00
Lieutenants	8	5,300 00	7	4,637 50	5	3,312 50
Masters	1	571 25	1	571 25	1	571 25
Chaplains	1	571 25	1	571 25		
Surgeons	1	691 25	1	691 25	1	691 25
Pursers	1	571 25	1	571 25	1	571 25
Boatswains	1	331 25	1	331 25	1	331 25
Gunners	1	331 25	1	331 25	1	331 25
Carpenters	1	331 25	1	331 25	1	331 25
Sailmakers	1	331 25	1	331 25	1	331 25
Midshipmen	26	5,928 00	20	4,560 00	12	2,736 00
Surgeons' mates	2	902 50	2	902 50	1	451 25
Clerks	1	300 00	1	300 00	1	300 00
Armorers	1	216 00	1	216 00	1	216 00
Boatswains' mates	4	1,112 00	3	684 00	2	456 00
Gunners' mates	2	456 00	2	456 00	2	456 00
Carpenters' mates	2	456 00	1	228 00	1	228 00
Sailmakers' mates	1	228 00	1	228 00	1	228 00
Masters-at-arms	1	216 00	1	216 00	1	216 00
Coxswains	1	216 00	1	216 00	1	216 00
Ship corporals	2	432 00	1	216 00		
Coopers	1	216 00	1	216 00	1	216 00
Cooks	1	216 00	1	216 00	1	216 00
Quartergunners	12	2,592 00	10	2,160 00	8	1,728 00
Quartermasters	8	1,728 00	6	1,296 00	5	1,080 00
Yeomen	3	648 00	3	648 00	3	648 00
Pursers' stewards	1	216 00	1	216 00	1	216 00
Seamen	160	23,040 00	129	18,576 00	70	10,080 00
Ordinary seamen	170	20,400 00	131	15,720 00	40	4,800 00
Boys	20	1,440 00	22	1,584 00	10	720 00
	436	$72,101 00	354	$59,334 50	175	$32,763 50

N. B.—Deduct all the items above the black line; they are provided for in the general navy appropriation bill.

C.

Estimate of the annual expense of a frigate of the first class, a frigate of the second class, and a sloop-of-war.

	Frigate—1st class.	Frigate—2d class.	Sloop-of-war.
Pay and subsistence	$72,101 00	$59,334 50	$32,763 50
Provisions	39,785 00	32,302 50	15,993 75
* Medicines and hospital stores	2,000 00	1,600 00	1,000 00
* Outfits, to be appropriated under head of "repairs"	50,000 00	45,000 00	20,000 00
* Wear and tear	16,000 00	12,000 00	8,000 00
	$179,886 00	$150,237 00	$77,757 25

* These estimates are the same as those made for vessels of the same rates.

Pay, one year.

Frigate of 1st class	$53,772	9 months is	$40,329
Sloop-of-war	17,712	9 months is	13,284
Sloop-of-war	17,712	9 months is	13,284
Pay			$66,897
Provisions—frigate	$36,043	9 months is	$27,032
sloop	11,223	9 months is	8,418
sloop	11,223	9 months is	8,418
Provisions			$43,868

NAVY DEPARTMENT, *March* 3, 1826.

SIR: In answer to the resolution of the House of Representatives, of the 23d February, "that the Secretary of the Navy be directed to report if there are a sufficient number of vessels now in commission for actual service, to enable him to extend adequate protection to our commerce to the empire of Brazil and the republic of Buenos Ayres; and, in the event of the whole naval force in commission being engaged on other stations, what additional appropriation will be required for this object;" I have the honor to state, that estimates have been formed, and an appropriation bill passed, for the support in commission of

One ship of the line, three frigates of the first class, one frigate of the second class, six sloops-of war of the first class, three sloops of the second class, and seven brigs, schooners, &c.

These vessels were intended to be distributed in the following manner:

In the Mediterranean—North Carolina 74, Constitution frigate, sloops Erie and Ontario, and schooner Porpoise. These vessels are now there, and it is not believed that any change can be made, with safety to the public interest, by withdrawing any part of this force.

In the Pacific—The frigate United States, sloop Peacock, and schooner Dolphin. The Brandywine, now in commission, will be prepared for the purpose, and relieve the frigate United States, so that that vessel will return about the close of the year. The Peacock must, in like manner, be relieved by another sloop-of-war, and it was intended to send an additional vessel of that class, making in all a frigate, two sloops, and a schooner; a force which cannot be diminished with safety to our commercial interests in that ocean.

In the West Indies, we have the frigate Constellation, corvette John Adams, sloop Hornet, brig Spark, and schooners Shark, Grampus, and Fox, to which may be added the corvette Cyane, intended for that station at the expiration of her present cruise on the coast of the Brazils and Buenos Ayres. The recollections of the last two years admonish us that any part of this force cannot be withdrawn. It could be sent to no place where our interests are in greater jeopardy. Indeed, the impression is not feeble, that we ought to increase it without delay.

This distribution of the force leaves but a single sloop-of-war in commission which is not specifically attached to, and employed in, the protection of commerce upon and near some station. Separate service, and objects of a general nature, will certainly employ that one.

It may, therefore, in answer to the resolution, be stated, that there are not a sufficient number of vessels now in commission for actual service, to enable the Department to extend adequate protection to our commerce to the empire of Brazil and to the republic of Buenos Ayres. It is believed that an additional frigate and two sloops-of-war would be necessary for that object, and an estimate is herewith transmitted, marked A, of the annual expense of supporting a frigate of the first class, one of the second class, and one sloop-of-war.

The appropriation which shall be made by Congress will determine the character and number of the vessels which will be put in commission for that service.

I have the honor to enclose copies of communications recently received, marked B, C, D, and E, recommending the employment of an additional naval force, for the purpose mentioned in the resolution.

I am, very respectfully, &c.

SAM'L L. SOUTHARD.

The SPEAKER *of the House of Representatives.*

A.

Estimate showing the annual expense, for one year, of a frigate of the first and second class, and of a sloop-of-war, exclusively of the pay and rations of the commission and warrant officers, but including the expense of outfits.

	Frigate—44.	Frigate—36.	Sloop.
Pay of petty officers, seamen, &c.	$53,772 00	$44,616 00	$17,712 00
Provisions	36,043 75	29,930 00	11,223 75
Medicines and hospital stores	2,000 00	1,600 00	1,000 00
Outfits to be appropriated	50,000 00	45,000 00	20,000 00
Wear and tear, under head of "repairs"	16,000 00	12,000 00	8,000 00
	$157,815 75	$133,146 00	$57,935 75

B.

WASHINGTON, *February* 15, 1826.

SIR: Intelligence, apparently authentic, having reached this country, of the existence of a state of war between the governments of Brazil and of the United Provinces of the La Plata, the undersigned, on behalf of their constituents, beg leave to represent to you the consequences likely to result from the war between these governments. The uniform course of events for the last seventeen years leaves no doubt of the fact that the coasts and waters of the countries at war will instantly swarm with privateers, and pirates assuming their character, and that the commerce of neutral powers will become the indiscriminate prey of their rapacity. To prevent the vexatious delays and losses which must ensue, the undersigned, on behalf of their constituents engaged in commerce with Rio Janeiro, Buenos Ayres, and other ports of the government of Brazil, and of the United Provinces of La Plata, respectfully ask leave to suggest the expediency of dispatching forthwith a respectable naval force to protect the American navigation from the interruption and insults to which it must otherwise be exposed in that quarter. Leaving all further considerations of the urgency of this step, or of the amount of force required by the exigency of the occasion, the undersigned beg leave to sign themselves,

With great respect, your faithful, humble servants,

JOHN REED.
JOHN BAILEY.
JOHN DAVIS.
H. W. DWIGHT.
DANIEL WEBSTER.
B. W. CROWNINSHIELD.
SAMUEL LATHROP.
SAMUEL C. ALLEN.
JOHN VARNUM.
AARON HOBART.
EDWARD EVERETT.
JOHN LOCKE.
FRANCIS BAYLIES.

Hon. S. L. SOUTHARD, *Secretary of the Navy.*

C.

BOSTON, *February* 20, 1826.

SIR: The existing war between the Brazilian and Buenos Ayrean governments, it is feared by the merchants trading to South America, both on this side and beyond the capes, and to India and China, will be put in great hazard: the valuable trade, which has necessarily to pass at no great distance from the seat of war—the importance and value of this trade does not require to be remarked upon. It is believed much of the danger may be avoided, should the government think proper to send a respectable force to cruise off the coast, from the La Plata to northwardmost part of the Brazilian territory, with orders occasionally to show itself at Buenos Ayres, Montevideo, Rio Janeiro, Pernambuco, &c. Many privateers will be fitted out on both sides; and however either government may be desirous to keep them within bounds, as respects neutral states, it is to be feared they cannot be restrained from committing depredations on our commerce, particularly in cases where the incitement is strong, from the value of the cargo, as would be the case of those going to and coming from India, China, and the southern coast of America.

It is respectfully suggested that a small force would rather give confidence to than awe those who may be disposed to prey upon us. The opinion here is that the contest will be soon over; but that, until that is the case, property will be very unsafe in those seas.

Gentlemen have thought it better that you should be addressed on the subject, rather than to memorialize the President; should your opinion be in accordance with ours, a suggestion from you to the Executive would produce the desired effect.

With much personal regard, and with sentiments of respect from those who join me in the application, and at whose request I make the above suggestion,

I am, sir, your obedient servant,

T. H. PERKINS.

Hon. SAMUEL L. SOUTHARD, *Secretary of the Navy.*

D.

PHILADELPHIA, *March* 1, 1826.

SIR: The Philadelphia Chamber of Commerce, at a special meeting held last evening, directed me, as their organ, respectfully to represent the exposure to which it is believed the commerce of the United States, in the trade to South America, will be exposed, in consequence of the war which has been declared by the Emperor of Brazil against the republic of Buenos Ayres, and to solicit in their behalf such protection from the armed vessels of the United States as the government, in their wisdom, may consider effective and competent to the object.

The fostering care which is manifested on all occasions by the Naval Department towards the commerce of the country, inspires the highest confidence that, on the present occasion, there will be nothing wanting to comply with the reasonable wishes of the mercantile part of the community, which existing circumstances will permit. Notwithstanding, it is viewed as a duty by the chamber to make

known the apprehensions which are excited for property supposed to be in jeopardy, and to co-operate with their fellow-citizens in other seaports, who have, or may make known, similar apprehensions to the government.

With sentiments of the highest respect, I have the honor to be, &c.,

ROBERT RALSTON, *President of the Philadelphia Chamber of Commerce.*

To the honorable the SECRETARY *of the Navy.*

E

BALTIMORE, *March* 2, 1826.

SIR: It cannot be necessary to state to you the great magnitude of our commerce with the rich and extensive empire of Brazil, and with the provinces of the Rio de la Plata; that its importance is enhanced in a national point of view, from the circumstance of its taking off a larger proportion of the produce of our country than any other branch of our South American trade; that owing to the existing state of war in those countries, the whole of this valuable commerce is left to the mercy of pirates, privateers, and men-of-war; the two first, always ready to depredate on the property of any nation, and the latter but little disposed to respect neutral rights (as we know from experience), unless awed by the presence of a respectable naval force.

The Chamber of Commerce of this city therefore most respectfully beg leave to suggest the expediency of immediately dispatching not only a respectable but an imposing naval force for the protection of our commerce in that quarter.

I have the honor to be, with the utmost respect, your most obedient servant,

W. LORMAN, *President of the Baltimore Chamber of Commerce.*

To the Hon. SAMUEL L. SOUTHARD, *Secretary of the United States Navy.*

19TH CONGRESS.] No. 304. [1ST SESSION.

CORRESPONDENCE ON THE COURSE PURSUED BY COMMODORE DAVID PORTER, IN COMMAND OF THE SQUADRON FOR THE SUPPRESSION OF PIRACY IN THE WEST INDIES, AND MATTERS INCIDENTAL THERETO.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 21, 1826.

NAVY DEPARTMENT, *March* 15, 1826.

SIR: In answer to a resolution of the House of Representatives of the 16th of December, 1825, the Secretary of the Navy has the honor to send a printed volume,* containing the proceedings of the late court of inquiry, and court-martial, in the case of Commodore Porter, together with copies of sundry papers which, with the papers accompanying the reports from this Department to the President of the United States, dated 1st of December, 1823, and 1824, are supposed to be "the documents and correspondence connected with the case," which are called for by the latter part of said resolution.

I am, very respectfully, &c.,

SAMUEL L. SOUTHARD.

The honorable the SPEAKER *of the House of Representatives.*

NEW CASTLE, *October* 26, 1824.

To the President of the United States:

Understanding that erroneous impressions have been made on your mind as regards my return from the West Indies in June last, and the removal of the squadron thence, and having been charged by the honorable the Secretary of the Navy, Samuel L. Southard, Esq., in his letter to me of the 21st October, with having left my station in the West Indies without permission, and without apprising the Department of my intention, I take the liberty of enclosing to you a copy of my reply to the charge, together with a copy of my communication of the 28th of May last, expressive of my intention of removing the principal part of the force under my command to the north, and of the causes which compelled me to do so.

I trust that you will believe that my only object in doing this is to defend myself from a serious charge brought against me at this late period, to justify conduct toward me on the part of the Secretary, unexampled, I believe, in the annals of our navy, and I hope such as will never be repeated. I have had the honor to serve under your immediate command in a situation of some danger, one which required extraordinary exertions, and exposed me to extraordinary hardships. You know, also, something respecting my former services, and are well acquainted with my history for the last nine years. My exertions in the West Indies, in the suppression of piracy, have called forth an eulogium from you, which I

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* This printed volume was communicated to the Senate the 26th of December, 1826. See preceding, No. 270.

rank among the proudest testimonials of my public services. I do not enumerate them, for if they are not known they are not worth enumerating; but I safely and confidently appeal to you, whether under any circumstances of danger, exposure, or privation, you ever knew or ever heard of my shrinking from duty? If you answer in the negative, is it not reasonable to believe that some cause more powerful than mere personal exposure, or personal inconvenience, should have induced me to ask the poor boon that has been denied to me after two years' arduous and active service? Mortification after mortification have been heaped on me, and I go to the duties, which under other circumstances would have been most pleasing to me, with a heavy heart, and with the strongest and most anxious apprehensions for the future. In answer to my application to be relieved, the Secretary informed me that it shall be done when it is convenient to the Department. My convenience, my comfort, my feelings, nay, my life, are therefore entirely held at his mercy. To whom, then, can I appeal but to you? You have witnessed and applauded my conduct, and you alone have it in your power to prevent further outrage to me. I appeal, therefore, with a confidence that the feelings of an officer, which, as you know, are dear to him, may not be suffered to receive further injury in me. In enclosing this letter I beg leave to observe that I have no desire to retire from active service. I wish to be employed wherever my services are most useful to my country, and, in the performance of them, all I ask is the courtesy due to an officer who has done nothing to forfeit the respect of the head of the Department to which he belongs, and who is willing that his conduct shall be subjected to the strictest scrutiny.

I have the honor to be, your very obedient servant,
(Signed) D. PORTER.

NOTE.—This letter, purporting to have been written at New Castle, was not received by the President until several weeks after its date. It was referred to the Secretary of the Navy, that the papers relating to the matters mentioned in it might be collected, with a statement showing their order, operation, &c. They were collected, and, with the memorandum now accompanying the letter, placed in the President's hands, and after examination were sent to the Department to be filed. They were in the hands of the judge advocate, to be offered to the court should they be asked for by Commodore Porter, or rendered necessary by the course of the evidence. They were among the papers referred to in the proceedings of the court on the first and second days of August.

To the President of the United States, Washington City:

SIR: I have read the communication from Commodore Porter to yourself, dated New Castle, October 26, 1824, which you were pleased to hand me, and I perceive that it is an urgent appeal to your justice to rescue him from mortification, want of courtesy and conduct towards him, on my part, unexampled in the annals of the navy. As such, I beg leave, respectfully, to suggest to you that it demands your personal attention.

You have already been made acquainted with every leading fact connected with the intercourse between Commodore Porter and the Department, since I came into it. No step of importance has been taken without your approbation, and in several instances your direction. It would be well, however, that you should review the whole, in order that you may form a deliberate judgment upon the case, as your guide in what shall hereafter occur. For this purpose I enclose all the letters received from him, and copies and extracts of all the orders sent to him, which can, I believe, furnish any aid in making up your opinion.

The determination heretofore taken, that Commodore Porter should be recalled, at a time when no injury would be done to the public, will certainly be executed, unless, on such review, you should disapprove it.

If it should be found that I have, in anything, lacked courtesy towards so distinguished an officer, or done him any injustice, my regret would be severe. I should find no consolation in the power I have the right to exercise, if an unwise use of it has wronged any one, especially Commodore Porter.

The object of placing a squadron in the West Indies could only be accomplished by a steady and persevering application of our force. The law, public interest, and public opinion, all require this.

The original instructions, numbered 1 and 2, accompany this letter. I am not aware that they have been altered. Occasional directions, as to the application of a part of the force, have been given, but these have been his general guide.

On the 24th day of June last he arrived in Washington. Some hours *after* his arrival, and in the evening of the same day, Lieut. Legaré presented to me his letter of the 28th of May last, marked A, which Commodore Porter had passed on his way to this place.

The next morning I left Washington on a visit of five or six days to my family, and did not see him nor make any communication to him until my return, when he was prepared to visit the springs. To this visit I *afterwards* assented.

On the day after his arrival he wrote a letter to the Departmant, marked B, which is worthy of particular notice, as containing his account of the causes of his return, and his view of the health of Thompson's Island at that time.

On the 29th of June last copies of the several letters which had been sent to the station, and among the rest those of the 31st of May, 1824, were furnished to him.

On the 19th of July last was sent the letter numbered 5, and on the 9th of August that numbered 6, conveying to him the necessity, in the opinion of the Department, of sending back the force which he had withdrawn.

I left Washington on the 3d of August, 1824, and certainly did not expect, as he had arrived in June, that he would be here on my return in September. Late in September, however, on my reaching New York, he was there, attending, probably, to preparations of the vessels under his command.

At that place I informed him of my intention to place the Constellation under his command; but made no arrangement when, or how she was to join the squadron, or that he should remain to go out in her.

About the 11th or 12th of October I stated to him that an order would probably be given for his

immediate departure in the John Adams, then in the Delaware, to which he very properly replied that he should promptly obey any order which he received from the Department.

On the 14th of October I gave the order of that date, numbered 7, which I believe was not delivered until the 18th or 19th, to which, on the 20th, I received his answer of the 19th, marked E. To that answer your particular attention is requested, both from its character, and because *both it* and my *orders to him* are *omitted* in the communication from New Castle, in which he makes his complaint, and by which he purports to present a view of the injuries he has received.

You will excuse the trouble I give in directing your attention to certain portions of this letter.

He states that he "has sought in vain," in my instructions of the 14th, 15th, 16th and 19th for the motive of my unexpected order for him to proceed as speedily as possible to his station in the John Adams instead of the Constellation, as was expected and arranged.

From the foregoing statements I cannot very well imagine how the order could have been unexpected, and I confess I was not aware when I gave it that it was necessary for me to submit to Commodore Porter "my motive" for giving it. I had thought it sufficient for me, as your representative, to give the order, and that it was his duty, without questioning its propriety, to obey it.

I had before that time, also, communicated to him some scraps of newspapers, conveying information of piracies. The public prints were full of complaints on the subject; inquiries were constantly made where the commanding officer was, and why our force did not repress those evils. His own character and that of the government were endangered by his delay. All this, it is presumed, he knew; and if he did not, it was enough that his station was there; it was his duty to be on it.

Why he says that it was arranged that he should go in the Constellation and not in the John Adams I know not, nor when, or where such an arrangement was made. All that I had said verbally was, that the Constellation should join the squadron as soon as she could be prepared; but he had received no permission to remain until she was prepared. And, although I believe he did order officers to her, here, in the United States, in violation of one regulation, (see page 20, and section the 1st of "Rules, Regulations and Instructions for the Naval Service of the United States,") and did direct as to repairs, stores, &c., in violation of other regulations, (see said rules, page 12, section the 2d, and page 14, section the 17th;) yet should this prove to be so, as the Department and Commissioners were quite willing, if not competent, to discharge their respective duties, it was not necessary that he should remain to perform them, nor could his interference with them, without rebuke, create an arrangement by which he was to proceed to his station in that ship, rather than in any other.

As to what is said of exposure to insult of the pendant of an American commodore by being hoisted on board a sloop-of-war, his arguments on that subject, and his aversion to being instrumental in the exposure, it is proper to admit that I have been profited by arguments somewhat in the style of his present letter; but it is also to be remarked that, so far as I am informed, when Commodore Porter sought earnestly the command of this squadron, no larger vessel belonged to it, nor was any promised or proposed. But he then understood perfectly the nature of the service, of the vessels, and of the appropriation, and that if a larger vessel were added, it must be taken from the general appropriation, not from that for the suppression of piracy. It is proper to add that the very orders on which he comments state that the Constellation would be sent to him "as speedily as possible." As to the honor of an "American commodore's pendant," the only question was whether he should wait here for the larger ship and neglect the interests of the service, or go to the service and have the ship sent to him as soon as repairs and crew would permit.

The nature, expense, responsibility, &c., &c., of the service are, it is hoped, perfectly known and duly appreciated, but it was not known that the command had ceased to be pleasant, or another commander would have been substituted.

I am not aware of the reasons which induce the belief that the "generous confidence" of the Department, which "encouraged to active and faithful performance of duty," had been withdrawn, nor do I know what "orders implying want of confidence were almost daily handed to him." I enclose all that were given within several months preceding this letter, which can, I think, by possibility, be construed to have any effect on this point; they are numbered 8, 9, 10, 11, 12, 13, 14, 15 and 16; and, although I will not deny that I thought and felt that Commodore Porter had more than once unnecessarily assumed the duties of the Department, yet I was cautious not to wound his feelings by anything like rebuke; the orders, particularly that numbered 3, will show rather a wish to free myself from imputation of neglect than to condemn him. In this, perhaps, I erred, and to this are, perhaps, in some measure, to be attributed the manner and the matter of his subsequent course.

His complaint of want of instructions, respecting South American crusiers, is not very well founded. He could not have had better instructions than the general ones, which are given to all our crusiers; a copy of which accompanies this, numbered 2.

The Department could not possibly give specific instructions, for specific cases, which were to be anticipated. And there was one principle, which he ought not to have forgotten, that an officer has no right to go beyond his instructions, in seizing vessels belonging to any nation. On this point, I refer to my letter of the 21st of October last, numbered 17, and also to that numbered 20.

I do not doubt that Commodore Porter's health was not good; but I do doubt the propriety of an officer leaving his station without urgent necessity, and without notice to the Department. It does not seem very candid, to urge the notice given by his letter of the 28th of May, 1824, marked A, and which reached this place after he did. Leaving a station, without notice, is a violation of the rules and regulations (see page 15, section the 28th); and it would not, in this instance, have passed unrebuked, but for other considerations. The impropriety will appear strongly, from the fact that several communications were sent to him, after he left the station; and about the day of his arrival, I denied that he was about to return, to those who inquired on the subject. There were others, however, better informed than the Secretary.

He thinks "he owes it to himself and his family, if not to his country, to avoid that climate." It would certainly be matter of regret that he should fail in what he owes to either; but it seems to be the tenure of the office he holds, to go where the interest of the public requires. Officers of equal rank have cruised for years upon that station; and inferior officers were then daily cruising there under his orders.

Notwithstanding the manner of his return, and other matters, I did not give an earlier order for him to resume his duties, because his health had been bad; but as that difficulty was removed sometime before the order of the 14th of October, and there was no danger from the climate after the middle of October,

as he himself assured the Department (see his letter, marked D), no good reason for longer delay could be imagined. Besides, the complaints of increasing piracy were renewed by the public prints, merchants and public agents, and he had been apprised of it by communications from the Department, and it did not correspond with my notions of duty to disregard the complaints, and allow a greater chance for the depredations to pass unpunished, in order that the "pendant of an American commodore" might be hoisted for a few weeks "on board the Constellation rather than the John Adams." All alarm on the score of health did seem to me too visionary to be the foundation of any movement in the naval service.

From what expressions in my order of the 14th of October, or any other, Commodore Porter derived the idea, that I considered Thompson's Island as his station, and that he was to remain stationary there, or to lead in person every expedition fitted out from it, cannot readily be guessed. The order merely directs him to proceed to his station, but does not name or define it. Its limits were very extensive, many parts of it very healthy, but the city of Washington was not within it. Nor do I perceive whence is derived the idea that that order implies an unwillingness in him to go. It is in the same style as his original orders, as his orders on his return last year, and as the orders to all other officers. His error was in undertaking to judge when his presence on the station was necessary; that was the business of another, and he had no right to question the judgment which might be formed upon it. It may be that he derived his impression from previous orders, which stated the necessity of the vessels being on the station, and communicated acts of piracy, and complaints against the squadron. It would have been better had those induced an earlier return.

The style in which a change of duty is asked, in the letter of the 19th of October, 1834, marked E, following as it does the crimination in the early part of that letter, is worthy of your observation.

On the receipt of Commodore Porter's letter, it was felt to be impossible, consistently with the respect which the Department owed to itself, to pass it without notice. The proper remedy might have been, either to accept his resignation of the command, and place him on furlough, or arrest and try him. But I believed it necessary that an officer of rank should be on the station, that no other could immediately go there and the public interest might be endangered, and that he ought to be compelled to obey an order, which, upon review, I could not find to be objectionable.

I, therefore, gave the order of the 21st of October, 1824, numbered 18, and soon after wrote to another officer to prepare for that service, determining to recall Commodore Porter, as soon as it could be done consistently with the public interest. That determination is still unchanged.

On receiving the order of the 21st of October, he wrote the letter dated the 22d, marked E, a copy of which he has enclosed to you, as his *defence* against a *charge* brought by me against himself; having omitted to apprise you of any of the preceding facts, or even to furnish you with a copy of the order to which his letter was an answer.

As you have now the order, I should be pleased that you would compare it with what purports to be the answer. I offer a very few remarks upon it.

First. There was a necessity for the return of the squadron in 1823, on account of the number of officers sick and dead. His report, on his arrival in *June*, 1824, (see his letter marked B,) is, that the island promised to be healthy this year, &c. The circumstances were by no means similar, if his reports be correct.

Second. The permission of August 19th, 1823, numbered 19, was given by my predecessor.

Third. The extract from the orders of the 1st of February, 1823, is nothing more, in substance, than is given to every commanding officer, and is a direction to great care and caution; but it gives no authority to leave a station at the discretion of the officer. It grants no more than is possessed by every officer when *necessity* presses him.

Fourth. The opinion that all the force ought to be on the station had been communicated by the letters numbered 5 and 6. Commodore Porter did, also, know that the Executive was dissatisfied with his return.

Fifth. But, if his return was proper, there ought to have been some limit to his stay. He left his station early in June; the order to return, of which he complains, was given the 14th of October, after at least four months' absence.

Sixth. It is somewhat singular that Commodore Porter should complain that it was not intimated to him, nor suspected by him, that the removal of the vessels and his own stay here did not meet the approbation of the government. He must have forgotten what related to his interview with yourself; the orders for the return of the schooners and the John Adams, and the frequent communications of complaints on the subject of piracy. And as to his declaration that, if the idea had occurred to him that he was not acting in full accordance with its views, he would have instantly left Washington, on his return, I have only to subjoin the fact that he wrote the letter of the 19th of October in answer to an order to return to his station, after he had been four months absent from it.

My remark, respecting his impression that Washington was within the limits of his station, was, perhaps, unnecessary; but it arose from a part of his letter of the 19th of October, from the length of his stay here, from the offence given by the order to leave it, from orders given by him, here, for change of service of officers, and for repairs, &c., &c.,—orders never given by officers in the United States, and when not on their station.

In his letter of the 28th of May, marked A, communicated to you, in which he attributes the removal of the vessels to the north to a deficiency of surgeons, it is only necessary to refer to my letter of the 31st of May, 1824, numbered 3, to letters numbered 21 and 22; and to add that the order, at the close o No. 3, was indispensably necessary, from the rapid and constant changes permitted in the officers of the squadron.

It is, perhaps, proper that I should, at this time, lay before you a letter from Commodore Porter, of the 5th of June last, marked F, respecting the case of Lieut. Kennon, with the facts of which you are perfectly acquainted. Also, a letter of the 11th of August, and one of the 20th of October, 1824, marked G, and H, respecting acting appointments, with the remark that there are in the squadron, at this moment, I believe, above *forty officers*, with *acting* appointments, not one of whose names can I find recorded in the Department.

I also submit to you a letter to Commodore Porter, numbered 16, and one from that officer, marked I, respecting the appointment of Lieut. Aulick to do the duties of captain of the squadron, with the remark that, in the letter of the 3d of November, 1823, marked J, Commodore Porter asks for a master commandant, as necessary for this service. Captain Finch was appointed to it, and, after his return, there was an

abundance of officers of that grade, fully competent to the duties. Under these circumstances, I did not think it proper to confirm an order, or direction, to Lieut. Aulick, given without my permission, to repair from New York to this place to assume those duties.

I also enclose for your perusal, letters marked K, L, M, N, O.

After you shall have examined these papers, I shall receive your direction, either to recall Commodore Porter, as I had heretofore determined, or take such other course as you may consider proper.

With the highest respect, I have the honor to be, sir, your most obedient servant.

NAVY DEPARTMENT, *December* 20, 1822.

SIR: You are hereby appointed to the command of the vessels-of-war of the United States on the West India station, and of those to be purchased and equipped for the suppression of piracy. You will proceed with all possible diligence and expedition, under the direction of the Navy Commissioners, to procure by purchase, and equip the vessels authorized by the Department to be procured for that purpose.

When you are prepared to proceed on service, report to the Department, in order that further instructions may be furnished to you. During the continuance of your command, you are authorized to hoist a broad pendant, and you will be entitled to the pay and emoluments of an officer commanding a squadron of vessels on separate service.

You will apply to the Navy Commissioners for such orders as may be necessary from their office to facilitate the execution of your instructions.

I am, respectfully, &c.,

(Signed) SMITH THOMPSON.

Capt. DAVID PORTER, *commanding U. S. Naval Forces, West Indies.*

NAVY DEPARTMENT, *April* 10, 1823.

SIR: Thomas Randall, Esq., special agent for the government, proceeds in the U. S. brig Enterprise, Lieutenant Commandant John Gallagher, to Porto Rico; and should he, as he will in all probability, have occasion to transmit dispatches to the United States, you will send them by one of the small vessels under your command, retaining the brig Enterprise, as more efficient for the protection of our commerce in the West Indies and Gulf of Mexico.

I am, respectfully, &c.,

(Signed) SMITH THOMPSON.

Commodore DAVID PORTER, *commanding U. S. Naval Forces, West Indies.*

Extract of a letter from the Secretary of the Navy, dated May 26, 1823, *to Captain David Porter, commanding United States naval forces, West Indies, Thompson's Island.*

In all future negotiations by drafts or bills upon the Department, you will, when practicable, direct your purser to draw the bill and submit it for your approval. All difficulties will, by this course, be avoided, and no further charges made against you by the books of the Treasury. It is the course also pointed out by the regulations for the service in relation to transactions of that nature. It would even be desirable that the accounts for the articles purchased might also accompany the bill or draft, that the transaction might be closed at once by a final settlement.

NAVY DEPARTMENT, *July* 14, 1823.

SIR: Your letter of the 18th ult. was duly received, and, agreeably to your suggestion, permission is granted to the vessels attached to the squadron under your command to take out gold from the United States; but you will, however, issue the most positive injunction to the commanders, respectively, not to enter any port in which the yellow fever prevails, so as to endanger the lives of the officers and men.

I am, very respectfully, &c.,

(Signed) SMITH THOMPSON.

Commodore DAVID PORTER, *commanding U. S. Squadron, West Indies, &c.*

NAVY DEPARTMENT, *July* 14, 1823.

SIR: In the first vessel of the squadron under your command that you shall order to Washington, be pleased to send John Cunningham, one of the marines attached to the expedition against the pirates, as I have given an assurance to his aged mother that he shall be discharged from the service of the United States.

I am, very respectfully, &c.,

(Signed) SMITH THOMPSON.

Commodore D. PORTER, *commanding, &c.*

NAVY DEPARTMENT, *July* 24, 1823.

SIR: I deferred replying to your communication, respecting the disposition of the wrecked property that you deemed it your duty to take into custody, until I could have an opportunity of submitting the matter to the consideration of the President of the United States, who was, at the time your letter was received, absent on a visit to Virginia.

There can be no doubt, from the representations you have made, that the wreck was fraudulent, and that method adopted to supersede, as was supposed, the necessity of proceedings in a court of admiralty, to try the question of prize. There is no statute of the United States regulating the disposition of property wrecked on our territory; but the common law contemplates all wrecks as the property of the sovereign. The proper course will, therefore, be to send the whole of the property to St. Augustine and have it placed in the custody of the marshal, carefully preserving all the papers and writings found with the same, which you will transmit to the attorney of the United States for East Florida, with a request that he will institute proceedings against the property in the superior court of East Florida, on behalf of the United States, founded on the right of the United States to the said property as wreck, and give notice to all parties interested to appear and interpose their respective claims.

I am, very respectively, &c.,

(Signed) SMITH THOMPSON.

Commodore DAVID PORTER, *commanding U. S. Naval Forces, West Indies.*

NAVY DEPARTMENT, *July* 26, 1823.

SIR: The President of the United States has under consideration the subject, mentioned in some of your letters, of South American privateers, and their prizes, touching at Thompson's Island; and so soon as he shall decide in relation to the same, the result will be communicated to you.

I am, very respectfully, &c.,

(Signed) SMITH THOMPSON.

Commodore DAVID PORTER, *commanding U. S. Naval Forces, West Indies, &c.*

NAVY DEPARTMENT, *August* 7, 1823.

SIR: In my letter to you of the 26th ult., it was stated that the subject of private armed vessels entering the ports of the United States was under consideration, and, since that time, the conduct to be observed by the United States towards the public and private armed vessels of belligerents, and their prizes, has been determined, and you will find the rules that have been adopted embodied in the enclosed circular, addressed by the Treasury Departmant to the respective collectors of the customs, and which I now transmit to you for your information and the government of the naval force under your command.

You will not permit any clause of the enclosed circular to contravene my instructions to you of the 24th of July last, in relation to the disposition of the property believed to have been fraudulently wrecked at Key Vacas.

I am, very respectfully, &c.,

(Signed) SMITH THOMPSON.

Commodore DAVID PORTER, *commanding U. S. Naval Forces, West Indies and Gulf of Mexico.*

Circular.

TREASURY DEPARTMENT, *July* 30, 1823.

SIR: As it is probable that in the progress of the war, which now exists between France and Spain, the public and private armed vessels of one, and perhaps of both belligerents, may, by stress of weather, pursuit of enemies, or some other urgent necessity, be forced to enter the ports and harbors of the United States, it becomes the duty of the government to prescribe the manner in which they shall be treated whilst they remain within its jurisdiction.

As there exists, upon this subject, no legislative enactment, the question must be decided by the conventional engagements which the United States have contracted with the belligerent parties.

By the 8th article of the treaty between the United States and Spain, it is provided that the public and private vessels of Spain, when forced by stress of weather, pursuit of enemies, or any other urgent necessity, to seek shelter or harbor, may enter into any of the rivers, bays, roads, or ports belonging to the United States, and shall be received with all humanity, and enjoy all favor, protection and help, and be permitted to refresh and provide themselves, at reasonable rates, with provisions and all things needful for the subsistence of their persons or reparation of their ships and prosecution of their voyage; and they shall be no ways hindered from departing from the said ports or roads, but may remove and depart when and whither they please, without any let or hindrance.

With France, the United States have no treaty stipulations upon the subject. The obligations of neutrality, however, impose upon them the observance of the same course of conduct toward both belligerents, unless Spain has a right by treaty to exclusive privileges. A reference to the provisions of the 8th article of the treaty above recited, proves that no exclusive privileges have been granted to her. It becomes, then, the duty of the United States to treat the public and private armed vessels of both parties in the same manner.

Assuming the provisions of the article referred to as the rule by which the conduct of the United States is to be regulated, I am instructed by the President to direct:

1st. That the public and private armed vessels of France and Spain, with their prizes, may, under

the circumstances described in the said article, enter the ports, harbors, and waters of the United States, and repair any damages which they may have sustained; but no increase of arms or munitions of war, or of the number of men on board, can be lawfully made.

2d. That such prizes cannot be condemned or sold, within the jurisdiction of the United States, and consequently cannot be admitted to entry at the custom houses, nor permitted to enter into the general consumption.

3d. That they may, at any time, depart from the United States without let or hindrance.

4th. That when prize vessels have been wrecked, or so disabled as not to be rendered seaworthy, their cargoes may be reshipped in any other vessel which shall enjoy an exemption from capture not enjoyed by such prize vessels. For example: if France, in the progress of the war, shall conform to the rule that free vessels make free goods, the cargoes of vessels captured by either belligerent, when reshipped in neutral vessels, will enjoy an exemption from capture which the prize vessels did not enjoy.

5th. During the time that prize vessels may remain in the ports of the United States, they shall be subject to such inspection and such superintendence by the custom house officers as may be necessary to prevent smuggling of any kind.

The same rules are to be observed in relation to the public and private armed vessels of Spain, and of the independent governments established in Spanish America, and their prizes, when brought within the jurisdiction of the United States.

I remain, with respect, your obedient servant.

—— ——, *Collector of the Customs.*

NAVY DEPARTMENT, *August* 19, 1823.

SIR: Your letter of the 1st inst., relative to the transportation of specie from Vera Cruz to Cadiz, has been submitted to the President; and it would afford both him and myself great pleasure to comply with your request, could it be done consistently with the honor of the American flag, and the relation in which we stand to the belligerents.

Your letter is not explicit as to whom the money belongs. I take it for granted, however, it is Spanish property, and from the amount most likely belonging to the Spanish government. In either case it is deemed inadmissible to employ our public armed vessels for its transportation; under no circumstances could it be permitted to send a vessel direct from Vera Cruz to Cadiz. Should I be under a misapprehension as to the ownership of the property, and upon further explanation your request can with propriety be complied with, I can assure you it will give me great satisfaction to promote your interest in this respect.

I am, very respectfully, &c.,

(Signed) SMITH THOMPSON.

Com. DAVID PORTER, *commanding U. S. Naval Forces, West Indies, &c.*

NAVY DEPARTMENT, *December* 22, 1823.

SIR: You will as speedily as possible, with all the vessels under your command, resume your station at Thompson's Island, and continue your exertions to repress piracy and protect our commerce.

It is the intention of the Department to increase the force under your command, as soon as it can be effected. To this end the frigate Congress will, after her arrival in the United States, be ordered to join you, and in the course of the spring one or more sloops-of-war will be added to those already with you. The officers engaged in the survey of the coast of Florida will report to you, and you will communicate their proceedings to this Department.

You will keep, as constantly as you can, one of your vessels in the neighborhood of Vera Cruz, cruising between that port and Punto Lezardo, to protect our commerce in that quarter. As soon as possible send the Hornet or one of the large schooners to cruise on the coast of Africa, touching at Cape Mesurado, ministering to the wants of the African agency, and thence returning to the usual track of the slave ships. Let the cruise of the vessel be such as will comport, as far as possible, with the health and comfort of the officers and men. Upon its return you will report the proceedings to this Department, and send another vessel upon the same service.

Our national vessels ought not, and must not, be used for purposes of commercial adventure. You may receive on board specie and the articles permitted by the act "for the better government of the navy," belonging exclusively to our own citizens, and carry them from one port or place to another, when it does not, in any degree, interfere with your other duties, or violate the laws of the country where you are. You may also bring to the United States specie belonging to our own citizens; but you are in no case to permit anything in the shape or character of public advertisements to be used for the purpose of giving information that you will carry them. So many complaints have been publicly made on this subject, that you will carefully abstain from everything which can give rise to unfriendly comments; and that the government may know the extent to which the commercial interests of our citizens are benefited by the assistance afforded by our public vessels on this point, and be prepared to answer any complaints on the subject which may be made by individuals or governments, you will from time to time make reports to this Department of all the specie and other articles you may carry,—the places to and from which you carry them, and the circumstances, terms, and conditions under which you do it.

You will communicate as often as possible to this Department; but you will prevent communications from all officers and men under your command to our public prints respecting the movements of the vessel, and of any of your transactions. The propriety of such publications must be left to this Department, and it will take care to afford to the public full knowledge of all facts which the interests of the nation will permit to be known. You will be the channel of all communications from the officers and men under your command, and will see that every communication from any of them to yourself is received through the commanding officer of the person making it. In cases of complaint and grievance,

in which the superior officer is unwilling to be the channel of communication, you will receive it directly from the person complaining; but it is hoped that this will seldom be the case, as the duty of the superior officer requires him to forward all which are necessary and proper.

Rigid discipline, enforced in a mild and gentlemanly manner, is essential to maintain the reputation of the navy, and must not for one moment be neglected. Public opinion seems strongly to incline to the belief that such discipline is not sufficiently preserved; great care must be used to overcome this impression.

On proper occasions you will enjoin it on all grades of officers that they are not to speak reproachfully of each other, or disrespectfully of their superiors, or retail anecdotes which do no credit to the individual members of the profession nor to the character of the service, and are never on any occasion to comment on each other in the public prints, but that each is to maintain in himself and encourage in others the most marked respect, the most decorous language, and the strictest correctness of conduct. A thousand acts may disgrace the individual officer and injure the reputation of the navy, which yet cannot well be made the cause of courts-martial and punishment. By a course of rigid discipline, and attention to language and conduct in the officers, it is hoped that there will be less call for public trials, which have heretofore been so numerous, and lessened the warm attachment of the nation to the navy. It has happened on several occasions, with those who have preceded you in command, that a number of the officers have been arrested and sent home to await the return of the squadron, which has created great expense and inconvenience to individuals in the service. It is hop d that you will be able to preserve a proper discipline without a resort to this expedient, which should only be used when no doubt of its necessity remains.

You will make no acting appointments of any description, except in cases of absolute necessity, and then with the understanding that the appointment ceases with the necessity which created it.

Great anxiety is felt that the most rigorous attention should be paid to the situation and improvement of the midshipmen; they are to be objects of your unceasing care, both as to their conduct and improvement in their profession. Of the most common difficulties into which they fall, you are perfectly aware, and they need not be mentioned to you; but there is one which I fear is generally unknown to the commanding officers, and which is said to be common: I mean the habit of borrowing from each other money and articles of dress of all kinds. This is a habit which produces improvidence and uncleanliness, and ought to be repressed. It is also especially necessary that commanding officers guard against the exercise of their feelings of partiality and preference in the treatment of inferiors. Every officer is entitled to and must enjoy all the rights and privileges of his rank and station. Whenever they are denied to one and permitted to another, or preferences are shown, unkind feelings and insubordination are immediately engendered and lasting injury done to the service. You need not, I am sure, be urged to an attention to this matter.

It will probably be in your power, while protecting the commercial, to add something to the agricultural interests of the nation, by procuring information respecting valuable animals, seeds, and plants, and importing such as you conveniently can, without inattention to your more appropriate duties, and without expense to the government.

I enclose, for your information and direction, copies of the acts of Congress relating to piracy and the slave trade, together with the general instructions on those points given to the commanders of our cruising vessels. Previously to sailing, transmit a complete muster roll of all persons attached to the vessels under your command, mentioning, among other things, of what States the officers, both commissioned and warranted, are residents or citizens.

Accompanying this, for your information and a guide in your instructions, are copies of the orders given by this Department to some of the commanders who were directed to cruise on the coast of Africa.

Wishing you good health, a prosperous and honorable cruise, I am, with great respect,

(Signed) SAM'L L. SOUTHARD.

P. S.—The United States schooner Porpoise, Lieutenant Commandant Ramage, is under your command.

Commodore DAVID PORTER, *commanding U. S. Naval Force, West Indies, Gulf of Mexico and Coast of Africa. Present.*

NAVY DEPARTMENT, *January* 12, 1824.

SIR: I enclose to you a copy of a letter from Doctor Christie to Commodore Rodgers, and request your attention to its contents.

After you shall have made yourself fully acquainted with the situation of the persons on the island, if you shall be of opinion that their safety requires it, you will send them to the United States.

I remain, very respectfully, &c.,

(Signed) SAM'L L. SOUTHARD.

Commodore DAVID PORTER, *commanding United States West India Squadron, Norfolk, Va.*

NAVY DEPARTMENT, *January* 14, 1824.

SIR: I enclose to you a letter received from John Mullen, one of the crew of the United States ship Hornet; you will please to direct an inquiry into his case, and if you shall be satisfied that he is a British subject, let him be discharged, if he be not in debt to the United States.

I am, very vespectfully, &c.,

(Signed) SAM'L L. SOUTHARD.

Enclosed is an extract from a letter dated at Alvarado, in November last, submitted for your information.

Commodore DAVID PORTER, *commanding United States West India Squadron, Norfolk, Va.*

NAVY DEPARTMENT, *January* 15, 1824.

SIR: I have the honor to transmit to you the enclosed letter, from C. C. Cambreleng, Esq., and to request your immediate attention to the same.

I am, very respectfully, &c.,
(Signed) SAM'L L. SOUTHARD.

Captain DAVID PORTER, *commanding United States West India Squadron, Norfolk, Va.*

NAVY DEPARTMENT, *February* 7, 1824.

SIR: Upon the subject of your letter, dated the 24th ultimo, respecting the cruise contemplated for the United States schooner Grampus, I would observe that the orders to Lieutenant Sloat are proper, except that the aid furnished on the coast of Africa must be to the agent of the government for recaptured Africans, not to the agent of the American Colonization Society. The government has not yet recognized that society as proper to receive such aid, but the result will probably be the same.

I am, very respectfully, &c.,
(Signed) SAM'L L. SOUTHARD.

Commodore DAVID PORTER, *commanding United States West India Squadron, Norfolk, Virginia.*

NAVY DEPARTMENT, *February* 19, 1824.

SIR: Your communications on the subject of blockade have been received, and laid before the President, and he has instructed me to inform you that it is his wish that you should not attempt to break any blockade sustained by force; but when you are prevented from entering a blockaded place, immediately make report thereof, with the circumstances attending it, to this Department.

I am also instructed to urge upon you the cultivation of the best personal and national feeling in your intercourse with all the officers of other nations with whom you may meet, and enjoin the same upon those under your command.

I am, very respectfully, &c.,
(Signed) SAMUEL L. SOUTHARD.

Com. DAVID PORTER, *commanding U. S. W. I. Squadron, Norfolk.*

NAVY DEPARTMENT, *February* 21, 1824.

SIR: I enclose, for your information, copy of a letter from Mr. Thomas H. Perkins, jr, of Boston, in relation to measures supposed to have been taken to procure a schooner to be employed for piratical purposes.

I am, very respectfully, &c.,
(Signed) SAMUEL L. SOUTHARD.

Com. DAVID PORTER, *commanding U. S. Naval Force, West Indies, &c.*

NAVY DEPARTMENT, *March* 19, 1824.

SIR: It has been represented to this Department that some hostile feelings have been manifested by the Indians in Florida towards the commissioners engaged in running certain lines under the authority of the government, and that the occasional appearance of an armed vessel on the western coast of Florida, particularly in Tampa Bay and its neighborhood, would be serviceable in repressing those feelings, and keeping the Indians quiet.

It has also been represented that many depredations are committed on the live oak, cedar and other timber of Florida, and that much of it is carried away and sold in the West India islands, and elsewhere. It is very important that these depredations should be prevented. On the 23d of February, 1822, a law was passed authorizing the President of the United States to employ the land and naval forces to prevent the felling, cutting, and other destruction of timber, or the carrying away of what was already cut, and to take measures to prevent the destruction of the public timber in that Territory. It is believed that, by sending frequently one or more of the vessels under your command along the western coast of Florida, both objects may be accomplished, and it is the wish of the President that it be may done.

I take this occasion to remind you that I am very anxious that all commanding officers should make frequent and particular reports to the Department of the conduct and merits of the officers under their command.

I am, very, &c.,
(Signed) SAMUEL L. SOUTHARD.

Com. DAVID PORTER, *commanding U. S. W. I. Squadron, &c., Thompson's Island.*

NAVY DEPARTMENT, *April* 23, 1824.

SIR: I have received a letter from the presidents of the Union and New York Insurance Companies, at New York, stating that, "by an arrival at Philadelphia, information is received that the schooner Pacification, Hilliard, master, bound from Jacmel, in the Island of Hayti, to New York, had been cap-

tured by a Colombian armed schooner, and was afterwards fallen in with by the United States steam galliot Sea Gull, commanded by Lieutenant Voorhees, who took possession of and ordered her for Key West." They also state that insurance on this vessel and cargo to a considerable amount had been effected at their respective offices, and they are therefore desirous, for the benefit of all interested, that the property should be brought to its port of original destination.

If there be not in the case some facts which would render a compliance with their request inexpedient or improper, it would be best to gratify their wish.

I am, very, &c., your obedient servant,

(Signed) SAM'L L. SOUTHARD.

Commodore DAVID PORTER, *commanding U. S. Naval Forces, West Indies, Gulf of Mexico, &c.*

NAVY DEPARTMENT, *May* 24, 1824.

SIR: Your letter of the 3d instant has been received, advising that a bill of exchange, drawn by Purser Thornton upon this Department for $5,000, had been returned protested. This circumstance is to be regretted, both as it respects the injury done to the credit of navy bills, and the damages incurred in the present instance. The refusal to pay this draft when offered was occasioned entirely by the want of funds, in consequence of the delay in the passage of the annual appropriation bill by Congress, and an occurrence of the kind will not again take place.

I am, respectfully, &c.,

(Signed) SAM'L L. SOUTHARD.

Commodore DAVID PORTER, *commanding U. S. Naval Forces, West Indies, Gulf of Mexico, &c.*

NAVY DEPARTMENT, *May* 31, 1824.

SIR: Your letter of the 4th of May has been received. The Decoy will be prepared to return to you as speedily as possible. No provision has been made for the repairs of the Grayhound; and it is probable that she will be laid up or sold. When any vessels are ordered home for repairs, they must be reported to the Department, that orders may be issued for the purpose.

The amount of force at this time on the station is less than was intended; but the delay in passing the appropriation law has rendered it impossible to send you either the Hornet or Porpoise. They will both be dispatched now, as soon as they can be prepared. This delay is the more to be regretted, as the Hornet must either encounter the rainy season, or not go to the coast of Africa, as was originally designed.

You have now under your command the John Adams, Hornet, Spark, Porpoise, Shark, Sea Gull, Decoy, and seven small schooners, in all fourteen vessels, exclusive of the barges. I did intend to send a larger vessel than either of them, but the amount of the appropriation, and the time it was made, will probably put it out of my power. It shall still, however, be done if it can be accomplished.

I regret the state of your medical aid. You have now eleven medical officers attached to the station; and within ten months past there have been under your command no less than five surgeons, and seventeen surgeons' mates, many of them acting as surgeons, and fitted for the office. With such numbers your medical assistance ought not to have been so reduced as you state it to be at present. Neither these, nor other officers, must be permitted to leave the station for light excuses. If they are, it will be impossible for the Department to keep the station supplied. All that can be done, with the numbers for which provision is made by law, will be done. In the meantime those with you must be retained, unless absolute necessity compels them to leave you.

I am, respectfully, &c.,

(Signed) SAM'L L. SOUTHARD.

Commodore DAVID PORTER, *commanding U. S. Naval Forces, West Indies, Gulf of Mexico, and Coast of Africa, Thompson's Island.*

NAVY DEPARTMENT, *July* 8, 1824.

SIR: I have the honor to transmit to you, herewith, copies of letters addressed to you from this Department, but which you have not received, bearing dates on the 19th February, and 16th March, (enclosing copy of a letter from James Beatty,) 19th March, and 23d March, (enclosing copy of a letter from Lieutenant F. H. Gregory,) to which I respectfully request your attention.

I am, &c.,

(Signed) SAMUEL L. SOUTHARD, *per* CHAS. HAY.

Captain DAVID PORTER, *commanding U. S. West India Squadron, &c.*

NAVY DEPARTMENT, *August* 16, 1824.

SIR: I enclose for your information a copy of a communication from Col. George M. Brooke, of the U. S. army, to the Secretary of War, respecting some timber seized by the former, and supposed to have been cut from the public lands in Florida. I refer you to my letter, under date of the 19th March last, for instructions on this subject.

I am, very, &c.,

(Signed) SECRETARY OF THE NAVY, *per* CHAS. HAY.

Captain DAVID PORTER, *commanding U. S. West India Squadron, &c. Present.*

NAVY DEPARTMENT, *September* 8, 1824.

SIR: I am instructed to inform you that the commanding officer at New York has been directed to send fifty men, if that number has been entered for the general service, immediately to Philadelphia, to serve on board the U. S. ship John Adams. The recruiting officer, at Baltimore has been authorized to enter twenty-five additional men, and send them as early as practicable to Philadelphia for the same ship. These, it is supposed, will be nearly enough to make up her complement, but, if not, the deficiency will be supplied in a few days.

I am, very, &c.,

(Signed) SAMUEL L. SOUTHARD, *per* JOHN BOYLE.

Commodore DAVID PORTER, *commanding U. S. West India Squadron, Chester, Penn.*

NAVY DEPARTMENT, *October* 9, 1824.

SIR: Surgeon Walter W. New having reported to you, in obedience to his order of the 11th June last, you are hereby authorized to grant him leave of absence for five months, if, in your opinion, the situation of the service will permit his absence for that length of time.

I am, very, &c.,

(Signed) SAMUEL L. SOUTHARD.

Commodore DAVID PORTER, *commanding U. S. Squadron, W. I. and Gulf of Mexico, &c.*

NAVY DEPARTMENT, *October* 14, 1824.

SIR: It is deemed expedient by the Executive that you proceed as speedily as possible to your station in the John Adams, that by your presence there the most efficient protection may be afforded to our commerce, and you may be ready to meet any contingencies which occur. The Constellation will be fitted for sea, and sent to you as speedily as possible.

I enclose, by order of the President, an extract from a letter lately received from the Island of Cuba. You will consider it confidential, and to be used for your information so far as you may find it useful.

With the Constellation, directions will be sent for you to proceed to the Island of Hayti, there to accomplish certain objects which will be particularly explained to you, and instructions given.

I enclose a circular letter on the subject of acting appointments, to which I urge your particular attention. No subject has been found to create greater difficulties than acting appointments, and permission to officers to perform duties above the grade in which they are known to the Department.

I also enclose certain directions for the survey of Pensacola, Tampa Bay, Key West, and the Dry Tortugas. I have also directed to report to you, for the purpose of aiding in this survey, Master Commandant —— ———, Lieutenant J. W. Sherburne, Midshipmen Lewis M. Goldsborough and Joseph Bowman. Should you deem the services of any other officers necessary for this purpose, you will inform me of it. You will direct a vessel to be used for this purpose. The Florida will be retained for a few weeks to make a survey of the Charleston harbor, after which she will be ordered to proceed forthwith to join your command.

I am, respectfully,

(Signed) SAM'L L. SOUTHARD.

Commodore DAVID PORTER. *Present.*

NAVY DEPARTMENT, *October* 14, 1824.

SIR: I enclose to you an extract from one of the public prints, to apprise you of the fact that Midshipmen Robert Ritchie, George F. Weaver, and Wm. Green are stated to have sailed from New York in the United States schooner Beagle, the two first as lieutenants, and the last as sailingmaster. I presume this must have been done without your knowledge, as I am aware of no authority which could have been given to these midshipmen to sail from the United States in those capacities.

I am, respectfully, &c.,

(Signed) SAM'L L. SOUTHARD.

Commodore D. PORTER. *Present.*

Circular.

NAVY DEPARTMENT, *October* 14, 1824.

SIR: It has become necessary to enforce rigorously the following directions, to which your particular attention is requested:

No person is to be appointed acting midshipman, or permitted to act as such on board of any of our public vessels, without the express authority and permission of the Secretary of the Navy.

No acting appointments of any other kind are to be made without such permission, except in cases of absolute necessity, and then with the understanding that they cease with the necessity that caused them, and always, as matter of course, when the officers are detached from the vessel or service in which they received them; and when any commander on a foreign station shall be under the necessity of mak-

ing any acting appointments, he is to give the earliest possible information of the same to the Secretary of the Navy, with his reasons for making such appointments.

No officer acting under an appointment, not expressly sanctioned by the Department, shall wear the uniform of a higher grade than that by which he is known to the Department, nor shall any midshipman or sailingmaster, acting as lieutenant, receive the pay of lieutenant commanding, except under the circumstances provided for in the 13th article, under the head of appointments, in the general regulations of the service.

I am, respectfully, &c.,
(Signed) SAMUEL L. SOUTHARD.

Com. DAVID PORTER, *commanding U. S. West India Squadron, Washington.*

NAVY DEPARTMENT, *October* 15, 1824.

SIR: I enclose copy of a resolution of Congress. The surveys and examinations under it, so far as they relate to Thompson's Island, the Dry Tortugas, Tampa Bay, and Pensacola, are confided to your care, superintendence a d direction. The surveys of the two former places, already made, are supposed to be sufficient. Several officers have been directed to report to you to aid in this duty, and you will assign for it such vessel under your command as you think most proper. —— ——, of the corps of engineers, will accompany you to aid in that portion of the service which relates to the defences of the place examined. Having other duties to attend to, it will be best that the vessels to be engaged proceed there immediately, to be followed by you as soon as you can make the necessary and proper arrangements with your squadron. You will make report on the subject at as early a day as possible. Your examination and report will be directed to the following points, viz:

The depth of water upon the bar at the lowest and highest spring tides, and at common tides.

Whether the depth of water upon the bar is affected by any, and what winds, to what extent, and in what manner.

The strength of current on the bar, and to a safe anchorage within it.

Width of channel upon the bar, width of the bar, and nature of the bottom; with what wind large vessels can cross the bar, bound inwards and outwards.

The prevailing winds at different seasons of the year.

Whether the passage across the bar can be commanded by batteries upon the shore.

Whether vessels can anchor without, and near the bar, under the protection of batteries to be erected on the shore.

From what positions, and by what extent and nature of force, can the entrance of the harbor be defended against an enemy.

The extent of safe anchorage for vessels of the largest size which can cross the bar.

The convenience of such anchorage for receiving supplies from the shore.

Facilities for obtaining good fresh water.

What supplies of provisions and stores for a fleet could be obtained from the surrounding country, and to what extent, at short notice.

Whether the harbor has good positions for a dock or navy yard.

How near to the present shore of such position does a channel run, of the same depth as the water on the bar, at highest spring tides.

Has it good fresh water in its vicinity, and in what quantities.

General health of the position, and quality of the soil.

Facilities of wharfing to the channel.

Whether the worm is destructive in the harbor.

From what quarter the navy or dock yard could be most readily attacked.

The best means of defence.

To what extent a militia force could be depended upon to resist a sudden attack.

You will specify the points which are determined from personal observation, and those upon which your information is derived from other and what sources.

I am, very respectfully, &c.,
(Signed) SAMUEL L. SOUTHARD.

P. S.—It has been ascertained, since the foregoing was written, that an officer of the corps of engineers cannot be detailed to assist in the survey; you will therefore proceed in the execution of this duty in the best manner you can with the force at your disposal.

Commodore DAVID PORTER. *Present.*

NAVY DEPARTMENT, *October* 18, 1824.

SIR: I have examined the regulations and reflected on the subject of Lieutenant Aulick being ordered to discharge the duties of captain of the squadron, and I cannot view it in any other light than a direct violation of the regulations. This being so, I cannot give the orders.

There are several masters commandant not employed, any of whom I should be glad to order to yon for the purpose, if it be your wish to have an officer of that grade to discharge the duty.

I am, very respectfully, &c.,
(Signed) SAM'L L. SOUTHARD.

Commodore DAVID PORTER, *commanding U. S. Naval Forces, West Indies and Gulf of Mexico. Present.*

NAVY DEPARTMENT, *October* 18, 1824.

SIR: Enclosed herewith you will receive a copy of a communication from Andrew Armstrong, United States agent at Port au Prince, to the Secretary of State, respecting the capture of the ship Onis, of New York, by the Colombian privateer Independentia.

I am very, &c.,
(Signed) SAM'L L. SOUTHARD.

Commodore DAVID PORTER, *commanding U. S. Naval Forces, West Indies and Gulf of Mexico. Present.*

NAVY DEPARTMENT, *October* 19, 1824.

SIR: The enclosed papers are submitted for your perusal, and, if you think it necessary, you can make extracts from them; after which, be pleased to return them to the Department.

I am, &c.,
(Signed) SAM'L L. SOUTHARD.

Commodore DAVID PORTER, *United States Navy. Present.*

Circular.

NAVY DEPARTMENT, *October* 19, 1824.

SIR: Herewith you will receive a quantity of blank forms, of the following description, viz: Monthly return of the officers and crew; of persons discharged; of desertions; and of deaths on board each vessel attached to the squadron under your command.

You will be particular in directing that every commander be furnished with a supply, and requiring that they be carefully and correctly filled up, and regularly forwarded, through you, to this Department. They are always to be filled up for the term of a calendar month, and are to commence from the month next ensuing the departure of a vessel from the United States on a cruise. Whenever it so happens that no deaths, desertions, or discharges take place during a whole month, the fact may be communicated by letter. It is not only desirable, but indispensably necessary, that the Department should be constantly advised of the situation of every vessel in service; therefore, a strict compliance with this, as well as all other circulars, will be exacted.

In addition to the above-mentioned forms, I transmit a number of a different description, exhibiting a general view of the whole squadron under your command.

Should the quantity now sent not be sufficient for all the vessels of your squadron, you will be pleased to advise the Department of the same, and also give early information when a further supply is wanted, that you may be furnished in season therewith. It is presumed that you have enough, at present, for six months.

I am, very, &c.,
(Signed) SAM'L L. SOUTHARD.

Commodore DAVID PORTER. *Present.*

NAVY DEPARTMENT, *October* 20, 1824.

SIR: Your letter of this day's date has been received; the act of Congress therein referred to was inadvertently omitted in the hurry of making up the last package for you, and is enclosed herewith.

A communication will be addressed to you in the course of the day, respecting the appointment of a master commandant for the surveying service, under your command.

I am, respectfully, &c.,
(Signed) SAM'L L. SOUTHARD.

Commodore DAVID PORTER, *commanding United States West India Squadron, &c. Present.*

NAVY DEPARTMENT, *October* 20, 1824.

SIR: The commanding officer of the United States ship John Adams has applied to the recruiting officer at Baltimore for twelve men, in addition to those already entered; if this number should be required to make up the complement of that ship, they can be transferred from other service on your application to the Department.

I am, very, &c.,
(Signed) SAM'L L. SOUTHARD.

Commodore DAVID PORTER. *Present.*

NAVY DEPARTMENT, *October* 21, 1824.

SIR: In reply to that part of your letter dated the 20th inst., which related to the name of the master commandant, left blank in my orders to you of the 14th inst., I would observe that the blank was left on

account of your intimation that the officer in command of the vessel designated for the surveying service would be sufficient, as he possessed the requisite qualifications.

The charts necessary to aid you in the accomplishment of the surveys, committed to your direction, will be in readiness to-morrow; and you will please to send for them to the office of the commissioners, in which they are now in possession.

I am, very, &c.,

(Signed) SAM'L L. SOUTHARD.

Commodore DAVID PORTER, *commanding United States West India Squadron. Present.*

NAVY DEPARTMENT, *October* 21, 1824.

SIR: Until your letters of the 14th and 19th were received, I supposed that an answer had been sent to your inquiries respecting the cruisers sailing under the flags and authority of the governments in South America, which are said to have trespassed upon our commerce.

The subject was promptly laid before the President, his instructions received, and an answer prepared; the omission to send it was accidental. Until it was received, however, the previous instructions were your proper guide.

It is the will of the President that you do not molest vessels belonging to those governments, and bearing their flags, except such as are piratical, if any such there are.

The injuries which we have suffered from vessels of the description you mention have already been made a subject of discussion between us and their respective governments, and it is hoped that speedy reparation will be made and the evil terminated. The object of communicating the instances of capture was to apprise you fully of the character and extent of the evil, so far as known to the Department, that you might do what you could to guard our vessels against it, and procure and furnish such information as might be within your reach upon the subject.

I am, very respectfully, &c.,

(Signed) SAM'L L. SOUTHARD.

Commodore DAVID PORTER. *Present.*

NAVY DEPARTMENT, *October* 21, 1824.

SIR: You letter dated the 19th instant has created surprise. Looking to the good of the service, every attention has been shown to you which your station required, and which could be dictated by a just estimation of your public service.

The command which was given to you, at your earnest request, on the 1st of February, 1823, was a highly important one, and your conduct, in discharge of its duties, satisfactory to the President. The interval since you left that station has been interesting, as it is understood that piracy has revived, and is making extensive ravages on our commerce. Communications have been made to you to apprise you fully of this fact. The presence there of an officer of rank and experience is, of course, necessary. The size of the vessel in which he sails is matter of small moment, and must depend upon circumstances. You are aware of the intention to send the Constellation to that station as soon as she can conveniently be prepared.

Your return to this place without permission, or apprising the Department of a necessity for it, was unexpected; but no complaint has heretofore been made of your remaining here, because it was believed that your health was not perfectly good, and your shoulder lame and painful. But this obstacle has been removed; and had you earlier apprised the Department that you considered this place within the limits of your station, that the command had ceased to be pleasant to you, and that you were apprehensive of the climate, you would have been relieved, and a successor appointed. But having failed to give this information, and the presence of a commander on the station being now indispensable, you will proceed to it.

When it is convenient to the Department, your wish to be relieved shall be gratified. Upon a reperusal of your orders you will find that no intimation is given that Thompson's Island alone is to be considered as the station, and that you are to remain stationary there, nor that you are to lead in person every expedition fitted out from it.

I purposely abstain from comment upon certain matters in your letter. You will hereafter hear from the Department on the subject.

I am, very, &c.,

(Signed) SAMUEL L. SOUTHARD.

Commodore DAVID PORTER. *Present.*

NAVY DEPARTMENT, *March* 24, 1825.

SIR: Midshipman Rowan, of the West India squadron, has applied for leave of absence to visit his friends in Ohio. I have suspended a decision on his request until I can be informed whether you will require his testimony in the investigation which you have called for. Your early attention to this is requested.

I am, respectfully, &c.,

(Signed) SAMUEL L. SOUTHARD.

Commodore DAVID PORTER, *United States Navy, Washington.*

NAVY DEPARTMENT, *March* 25, 1825.

SIR: I have the honor to acknowledge the receipt of your letter of this date, and to inform you that I am aware of no objection, on the part of the Department, to your going to Norfolk and returning at the time specified.

I am, respectfully, &c.,
(Signed) SAMUEL L. SOUTHARD, *per* C. HAY.

Captain D. PORTER, *United States Navy, Washington.*

NAVY DEPARTMENT, *April* 20, 1825.

SIR: Enclosed you will receive a copy of the precept which has been issued for a court to make the inquiry, instituted by the Executive, into your conduct at Foxardo. You will perceive that the same court is also directed to make the inquiry which has been granted at your own request.

In your letter of the 13th instant, which has been received, it created some surprise to find the declaration that the "positive injunction," in the letter from the Department of the 27th December, 1824, to "proceed without unnecessary delay to this place," deprived you of the opportunity, without taking on yourself great responsibility, of obtaining, by personal application, the written testimony necessary in the case.

By referring to that letter, you will find that you are expressly charged to "bring with you those officers whose testimony is necessary, particularly Lieutenant Platt, and such written evidence as you may suppose useful" for the "full investigation," which it was declared the importance of the transaction demanded.

No change has taken place in the views of the Executive, either as to the necessity or character of the investigation, and any delay which has occurred in proceeding with it must he attributed to other causes.

In relation to that part of your letter in which you say, "the affair at Foxardo was the occasion of my recall; the affair of Foxardo was the occasion of my being displaced from my command; it is that affair which now keeps me suspended from the exercise of my official functions," it is proper to remark, that although that affair was the immediate cause of your recall, yet you are not ignorant that it was the purpose of the Department to recall you from that command for other reasons, as soon as it was found convenient to substitute a competent officer in your place, a purpose only prevented by this transaction, which intervened previously to its execution.

No other notice of the style and manner of your letter is deemed necessary, at this time, than to remind you of the relation which subsists between you and the Department.

I am, very respectfully, sir, your most obedient servant,
(Signed) SAMUEL L. SOUTHARD.

Commodore DAVID PORTER, *U. S. Navy. Present.*

NAVY DEPARTMENT, *April* 26, 1825.

SIR: I enclose for your information several papers which have been presented to the Department in the form of complaint, respecting certain proceedings at Thompson's Island.

The Department has not the means of furnishing a satisfactory answer, and requests your early attention to the matter.

The papers sent are the originals, which you will please to return with such statement as you can make on the subject.

I am, very respectfully, &c.,
(Signed) SAMUEL L. SOUTHARD.

Commodore DAVID PORTER, *U. S. Navy. Present.*

NAVY DEPARMENT, *May* 28, 1825.

SIR: The court of inquiry lately assembled at the Navy yard, Washington, has closed its examination into the matters submitted to it, and made report to the Department.

I am instructed by the Executive to inform you that it has been found necessary that further proceedings should be had in relation to the transactions at Foxardo, and that in the course of a few days charges will be preferred, you will be arrested, and a court-martial summoned for your trial.

I am, very respectfully,
(Signed) SAMUEL L. SOUTHARD.

Captain DAVID PORTER, *U. S. Navy. Present.*

NAVY DEPARTMENT, *June* 13, 1825.

SIR: Your letter transmitting a pamphlet respecting the proceedings of the court of inquiry, and the transactions at Foxardo, &c., was received, and the copy, endorsed for the President, immediately delivered to him.

It is cause of surprise that you should have considered it proper, while your case and the report of

the court of inquiry were still under the consideration of the Executive, to make a publication relating thereto, and especially a publication in so many respects deficient and inaccurate.

I am, very respectfully,
(Signed) SAMUEL L. SOUTHARD.

Commodore DAVID PORTER, *United States Navy. Present.*

NAVY DEPARTMENT, *June* 22, 1825.

SIR: I enclose to you the charges and specifications upon which you will be tried before a court-martial, which will be convened on the seventh day of July next, at the Navy yard, Washington, and of which Captain James Barron has been appointed the president. At the time and place mentioned you will report yourself to the court for trial upon said charges. In the meantime you will be under no restraint in preparing for your defence. On the receipt of this letter, you will consider yourself under arrest. It is not deemed necessary to call upon you to surrender your sword, nor to assign limits to you.

I am, respectfully, &c.,
(Signed) SAMUEL L. SOUTHARD.

Capt. DAVID PORTER, *United States Navy. Present.*

NAVY DEPARTMENT, *August* 17, 1825.

SIR: I enclose, for your information, a copy of the proceedings of the court-martial, during the five last days in which it was engaged in the trial of the charges against you. You will perceive in them the finding and sentence of the court, with the approval annexed.

I have also to inform you that the proceedings of the court of inquiry, and those of the court-martial, will be published without delay, by direction of the Executive.

I am, very respectfully, &c.,
(Signed) SAMUEL L. SOUTHARD.

Capt. DAVID PORTER, *United States Navy. Present.*

NAVY DEPARTMENT, *August* 20, 1825.

SIR: Your letter of the seventeenth instant, requesting "leave of absence during the term of suspension prescribed by the court," has been received. It is not considered necessary that officers under suspension, by sentence of a court-martial, should apply for or obtain leave of absence to visit any part of the United States during the time of suspension. If your object is to leave the United States, the Department has no objection to your doing so. This permission is in no way to operate upon or affect the sentence of the court.

I am, very respectfully, &c.,
(Signed) SAMUEL L. SOUTHARD.

Capt. DAVID PORTER, *United States Navy. Present.*

NAVY DEPARTMENT, *August* 23, 1825.

The Secretary of the Navy acknowledges the receipt of a note from Commodore Porter, of yesterday's date, requesting that he would "authorize Mr. Force to give publicity, in his journal, to the opinion of the court of inquiry as to the employment of the West India squadron during his command."

No objection is perceived to Mr. Force's publishing the *whole* report and finding of the court of inquiry, whenever Commodore Porter shall think proper. A communication to this effect has been made to Mr. Force.

NAVY DEPARTMENT, *April* 29, 1825.

SIR: I have the honor to inform you that a court of inquiry, consisting of Captains Isaac Chauncey, president, William M. Crane, and George C. Read, members, has been ordered to convene at the Navy yard in Washington, on Monday, the 2d day of May next, for the purpose of examining into the conduct of Captain D. Porter, in relation to the occurrences which took place at Foxardo, in the Island of Porto Rico, in the month of November last.

I have the honor to be, &c.,
(Signed) SAMUEL L. SOUTHARD.

Hon. HENRY CLAY, *Secretary of State.*

Mr. Clay to Mr. Salmon.

DEPARTMENT OF STATE, *Washington, April* 29, 1825.

Don. Hilario de Rivas y Salmon, Philadelphia:

SIR: I have the honor to inform you that a court of inquiry has been ordered, and will assemble at the Navy yard, in Washington city, on Monday, the 2d of the next month, for the purpose of examining into the conduct of Captain D. Porter, of the United States navy, in relation to the occurrences which took place at Foxardo, in the Island of Porto Rico, in the month of November last. Any evidence pertinent to the case, which you may think proper to adduce before that court, will be respectfully received and considered. The court will, probably, remain in session several days.

I avail myself of the occasion to renew assurances of my high consideration.

(Signed) H. CLAY.

The Secretary of State presents his compliments to the Secretary of the Navy, and informs him that he has just received from Mr. Salmon, the Spanish chargé d'affaires, a communication of some papers for the court of inquiry, in the case of Captain Porter, which he will transmit to the Secretary of the Navy as soon as a translation of them, now in progress, shall be completed.

DEPARTMENT OF STATE, *Washington, May* 5, 1825.

The Secretary of State presents his compliments to the Secretary of the Navy, and he transmits to him, herewith, a note from Mr. Salmon, Spanish chargé d'affaires, which has just been received at the Department of State, accompanied by two documents, in relation to the incursion of Captain Porter into the Island of Porto Rico, and the affairs at Foxardo, which occurred last November, together with translations of the same.

The propriety of laying these papers before the court of inquiry into the conduct of that officer, in regard to these transactions, is submitted to the consideration of the Secretary of the Navy.

DEPARTMENT OF STATE, *May* 6, 1825.

Mr. Southard is requested to cau e the original papers to be returned, when there shall be no further use for them.

[Translation.]

Mr. Salmon to Mr. Clay.

LEGATION OF SPAIN, *Philadelphia, May* 2, 1825.

To the honorable Henry Clay, Secretary of State for the United States:

SIR: I yesterday received your note, with which I was honored, announcing to me that a court of inquiry would be instituted to-day to investigate the conduct of Captain D. Porter in relation to the affairs of Foxardo, in the month of November last, and requesting of me any documents or testimony which you would have the goodness to submit to that court.

I have the honor, herewith, to transmit an extract of a communication made to me by the Captain General of Puerto Rico, under date of the 23d of November, upon this subject, and a gazette of the government subsequently received, in which you will find an article on the present affairs.

These are the only documents which I am able to furnish at this time. The proceedings and the gazette alluded to in the communication of the captain general were neglected, by some difficulty or accident; these might have been important in elucidating the conduct of Captain Porter.

I presume the gazette, mentioned in the communication, may be the same as that from which a translation was made for the newspapers of this city, about the middle of last November. These papers, at the same time, published letters from a clerk in the house of Cabot, Bailey & Co., and from some citizens of the United States, who, it appears, were principally concerned in this unpleasant matter.

The relations of these citizens, if true, as I incline to think they are, tend to criminate Capt. Porter more deeply than those published in the government gazette of Puerto Rico. There have existed cases, as I have been informed, where Colombian privateers (whose commanders and crew had assumed the uniform and flag of the United States, of which they were native citizens) have entered Spanish ports, unsuspected by the local authorities. But supposing this never to have happened, was it strange that the subaltern authorities of Puerto Rico, at a time of war with some neighboring governments, and when the island was exposed to an invasion, should have detained a few foreigners, for an hour or two, who were justly liable to suspicion from their having neither passports nor papers, nor any uniform to distinguish them from enemies? This short and just detention appears to have been the sole ground of complaint by Captain Porter against the authorities of Foxardo, and which was judged sufficient cause for violating the Spanish territory and threatening a small, peaceable and defenceless village with vindictive menace. It has not yet appeared that Captain Porter, or his agents, had received any injury from the Spanish authorities at Foxardo, but, on the contrary, they were shown the greatest attention.

These agents, far from respecting the laws, and the orders of the local authorities, derided them, and provoked their resentment, with the most insulting insolence. "The town," (Foxardo,) says the relation of the clerk, in the house of Cabot & Co., which was published in the Boston Palladium, "lay about two miles from the beach, but we found the harbormaster there, and having explained to him our business, and the reason why the officers came in *citizens' dresses*, we took our road to the town; *we were immediately called back*, and ordered to remain on the beach until the captain of the port should come down, which would be in the course of the day. *I told him my business was too urgent, and I could not wait*, but I would call on the captain when I got to town. This would not answer, *and we pursued our course without further ceremony.*"

But, independently of the publications in the papers of this country and of Puerto Rico, and notwithstanding the neglect of the proceedings in the trial instituted in that island, in relation to the affair

at Foxardo, it would seem to me that the communication from the captain general, which I enclose to you, is of itself sufficient to prove that Captain Porter had but a very slight pretext for committing so great an outrage in the dominions of his Catholic Majesty, and why did he do it? To protect the property of a foreigner, and not a citizen of the United States. But, supposing the motive to have been the most urgent, and the complaint of Captain Porter to have been just, how will it be possible for governments to maintain peace and a friendly understanding with each other, if their officers, who should present examples of moderation to the rest of the citizens, are to become judges in their own cause, and of themselves to retaliate for wrongs, which prerogative belongs to the nation and the government?

I will refrain from making further observation on this unpleasant subject. The promptitude with which the President ordered the return of Captain Porter, and the investigation of his conduct by a respectable court, is decisive evidence of his love of justice, his respect for the law of nations, and his desire to cultivate the friendship subsisting between the governments of the United States and Spain. I am assured that his Catholic Majesty will receive satisfaction proportioned to the offence.

I avail myself of this occasion to renew to you, sir, my respects, and the assurances of my distinguished consideration.

(Signed) HILARIO DE Y SALMON.

Translation of the copy of a paper received at the Department of State, on the 6th May, 1825, in a letter from Don Hilario de Rivas y Salmon, chargé d'affaires from Spain, dated 2d May.

To his excellency the Secretary of the Despatch of State, I thus represent:

I transmit to your excellency the proceedings in the inquiry relative to the shameful aggression of Commodore Porter, commanding United States squadron, on the peaceable town of Foxardo, the 14th instant, together with all letters and papers concerning it, that with this information of the unwarrantable contempt of the flag and arms of his Majesty, you may communicate it to his royal person. By these you will perceive that on the 26th of October, the U. S. schooner Beagle entered Foxardo, when the captain of the port demanded papers, to assure him that this vessel-of-war was in reality of a friendly nation. This was done as a precaution against any deception from the many insurgent privateers cruising in these waters, and exercising great acts of violence and rapacity; suspicion was excited by the smallness of the vessel, her crew and armament, because citizens of the United States generally constitute the crews of the dissident privateers, and by the recent information in the royal order of the 31st May, that the dissident armament would be increased by fourteen vessels from North America. This schooner had on board, Mr. George Beajon, clerk in the commercial house of Cabot & Co., at St. Thomas, whose object was to search the place, where goods stolen from that house were supposed to be concealed. You will see that as soon as they gave assurance of their being Americans, they were allowed to proceed in their object, as will appear from the letter from the alcalde of the town, and from that which the captain of the port addressed to the principal commandant of marine. The former enclosed to me a list of the goods stolen, and a notice of the reward offered for the discovery. You will also be informed by the dispatch of the same alcalde, of the 14th instant, of the outrageous insult of Commodore Porter to that town, into which he marched with 150 armed men, spiked the artillery used in defence of the port, and demanded satisfaction of the said authority, in the most insulting and degrading manner that can be conceived of, and having obtained it he retired, although I do not know the terms in which it was couched.

This unprecedented affair, contrary to the laws of honor, unbecoming a high minded officer, opposed to the law of nations, contemptuous of the sovereignty of monarchs and their inviolable rights, and to have been expected only from highwaymen, resulted in favor of the aggressor from the cowardice of the alcalde, the want of a local commander or of troops, and from the surprise of the neighborhood. It is very certain that, at the voice of alarm and union, the inhabitants of the surrounding country would have assembled to oppose the invaders, and they would have paid severely for their rash attempt. As soon as I had received notice of this aggression, fearful that this example might be injurious for the future unless promptly and energetically opposed, I ordered a company of militia to be raised for the defence of that point most distant from population. I appointed the commandant of battalion, Don Juan Nepomercene, as the military commander of the district, and Lieutenant Don F. M. Penatel as commander and driller of the company. I issued an order to all the departments that no armed vessels of any nation should be permitted to enter under any pretext, and that they should be opposed if they employed force; and I caused the relation of the outrage committed by Commodore Porter to be inserted in the Gazette of to-day. This inflated commander supposes a grievance of which he submits no complaint to this government; and pretends that to have been American property which belonged to a Danish subject, the demand of which should have been presented to the chief authority of this island; with an armed force he required satisfaction of the person whom he supposed to be the offender; he violated the state of peace in which we exist; he prostituted the force committed to him by his government; he attacked by surprise a friendly and inoffensive town, and became the admirer of his own exploit; for his safety he spiked the artillery, pulled down the royal flag, and with gross threats and vulgar expressions he thought to intimidate the officers of Foxardo by menacing fire and desolation to their innocent but spirited district. With such a contemptible triumph he escaped from the punishment which he feared would fall on his devoted head were he to remain longer on land.

I have directed the commandant of department to make an abstract for the information of H. M., and at the same time have suspended the alcalde for his pusillanimity, and the commander of the garrison for his unfitness for office, and because till this moment he has not communicated to me anything in regard to this event.

I transmit the foregoing to your excellency, that it may be submitted to his Majesty.

PUERTO RICO, *November* 23, 1824.

(Signed) MIGUEL DE LA TORRE.

To the CONSUL GENERAL *of his Majesty in the United States.*

[Extracted from the government Gazette of Porto Rico, January 12, 1845.]

Quixotic and ungallant adventure of an American commodore, and false imputations refuted.

In the Baltimore papers of the 4th of December last, we have read an article on the affair of Foxardo, related in our number of the 23d of November. It is the most insulting and calumnious production that ever issued from an indecorous and degraded pen against a civilized people. This is the return made by certain American journals for the generous, polite and frank reception which citizens of the United States have ever received from us.

The temerity of Commodore D. Porter's conduct on our unsettled shores, that of the officer under his orders, whose letter we shall notice, and that of the editor who made the publication, authorizes us in saying that our most hostile enemies have never shown themselves more infuriated; and that the commodore, the officer and the editor have conducted themselves in the most shameful and vulgar manner, inasmuch as they imagined grievances and invited difficulties, for the sole purpose of seeking an occasion for uttering their billingsgate and committing acts of the vilest and most disgraceful character.

The following is the caption of an article, which was printed in large letters:

"*Insult and imprisonment of an American naval officer revenged, and Spanish insolence properly chastised.*"

In our 279th number, of November 23, we published the history of this affair, which statement we now confirm, for it is substantiated by authentic documents, and we defy the most astute American to oppose them with proof, and which we can adduce, of the guilt of Commodore Porter. We believe, therefore, the *imprisonment or insult of an American naval officer* to have been planned to create an occasion for satisfying the vengeance that consumes the commodore, in relation to Puerto Rico and the Spaniards. But this act was committed in so indecorous a manner that he has excited public odium and contempt; it was indeed an act which cou'd only have been committed by one belonging to the canaille of society, and who had been educated with neglect.

The commodore thus becomes a knight errant, who couches his lance and buckles on his shield to avenge wrongs that neither affect nor concern him, and pretends, like a second Amadis de Gaul, that at the voice of his Dorothea all laws and rights must be suppressed.

The schooner Beagle was engaged at St. Thomas to convey a clerk of the house of Cabot to Foxardo, instead of cruising for pirates, for which she was fitted out. The object in conveying this clerk to Foxardo was, it is said, to claim some merchandise that had been stolen from this Danish commercial house, and which they suspected to have been transported to that place. A suspicion of this kind had so little foundation, that to the present moment the least insinuation has not been made by that government to the chief authority of this island, which has always decided its claims justly and with honor to the nation. She was *freighted*, we have said, for she was employed by a foreign individual, and in a matter where the United States could have had no interest.

In this service of transportation so *important*, the commander refuses to use himself and his vessel. Nothing more natural than that he should defer his departure until the vessel had gone. If the American officer at his arrival had presented himself with proper respect to the authorities at Foxardo, and had made known to them his commission and object, the suspicion which was excited would have been dispelled. This was naturally produced at seeing a vessel-of-war in the service of an individual, of a different nation from himself, when her aspect and object contradicted it. This induced the suspicion that she was carrying on a contraband commerce, so usual with those in whose service she was at that time. To this is reduced what the editor of the Baltimore paper calls *imprisonment and insult*, when the officer was dismissed as soon as he had satisfied what was required by his duty and the laws.

It would seem that the American gentlemen to whom we refer expect that at their name every knee should bow, and every one confess that their mistress is the most lovely in the world, without inquiring if she be deformed, lame, ugly, peevish, or ill-disposed. To this alone does he aspire, who calls insolence the exercise of a right in the delegates of the government, in discharging their duty, to ascertain the true character of the person visiting the town. As to *revenged and chastised*, it has already been seen by the history of the event, and will be shown by what is yet to be said, that the result of that affair was about as satisfactory as the attack of the Knight of La Mancha on the sheep, who achieved universal pity and laughter.

Extremely vain and satisfied of his preamble, the editor proceeds to publish a letter written by an officer of the frigate John Adams, under command of Commodore Porter, dated at the Isle of Passage, the 10th of November, which we will remark upon.

"I doubt not," says the letter, "that you will have heard of Commodore Porter having taken a Spanish town in Puerto Rico."

A mighty sensation must have been produced, among those who have never visited our island, at the report of a town being captured. One would suppose that it was at least a town of the second or third size; but it never would be dreamed of that the town in question was but a hamlet, containing 74 houses covered with tile, and 84 bojios. This is the town of Foxardo, which Commodore Porter desired to capture, but into which he dared not enter, notwithstanding his arrogant presumption.

"The circumstances," it continues," are briefly these: The governor *imprisoned* the captain of one of the small schooners, and suffered him to be *grossly insulted*."

To magnify the importance of the post supposed to have been taken by the commodore, and its means of defence by this distich,

"The more the honor which the vanquished bear,
The greater glory does the hero share,"

it would have been first necessary to supply a magistrate of superior command; and although our commodore did happen to address a letter to the *alcalde de campo*, yet the officer who is writing should have metamorphosed him into a *governor*, by taking advantage of a poetic license in the composition of his farce. In like manner, an American officer is represented to have been grossly insulted, because the captain of a vessel in commission of a St. James mercantile house was detained until he presented papers attesting his authority and person.

"As soon," the letter continues, "as the commodore knew of it, he was there with two schooners'

boats and a part of the crew of the frigate; he captured two batteries, spiked the cannon, and marched to the town, (Foxardo,) about two miles in the interior. He there found the Spaniards prepared to give battle; he drew up his force within pistol shot of the enemy, and sent a deputation to the governor and captain of the port, who were the two principal offenders, requiring them to come and make atonement, or he would, in case of a refusal, burn their town. They chose the first alternative, and in presence of all our officers asked pardon of the insulted officers, manifested great contrition, and promised to pay respect to all American officers who might in future visit the port."

The two batteries said to have been taken were two bare intrenchments, in which there was not a single man; for as no attack from North Americans was expected, they had been deserted for the defence of the port, and every person in the vicinity continued at his occupation, and did not resort to defend these entrenchments, as usual on the least alarm. As soon as armed men were seen to debark, the people assembled, and the small number collected declared themselves ready for fight.

Very little should be expected from the contrition of those called the offenders, and from their promise to respect American officers who should hereafter visit the place, as they have always done when the officers have been recognized; because these offenders, so called, were instantly cashiered by the government, which, although it requires them to be polite and attentive, does not wish them to be quite so complaisant. American officers, as well as all others at peace with us, may be assured of that friendly reception which the good education of the Spaniards gives them a right to expect of us, if they observe what is due by them; but they shall also be convinced that, for the least violation against the honor of the nation and respect for authorities, their presumptuous arrogance shall be checked.

"The commodore," concludes the letter, "then marched to the town, merely to show that it was at his mercy, and afterwards returned to his boats and left the place. There was not the least disorder; not a man left the ranks whilst on shore, where they continued more than three hours. Self-defence required that the cannons should be spiked, and this is all they have to complain of. They had been informed of our intention to visit them [false]. The population of this town is about two thousand souls. The country is quiet. Before we had left the place, a force three times greater than ours had assembled, with a field piece; and in presence of these, and within pistol shot of their forces, our commodore made them humble themselves."

[It should be the two.]

The author of this letter is a most consummate liar. It is false that Porter entered the town; and although he received an invitation, in return to his, to approach the few men who had assembled, he excused himself and retired.

We had always supposed that honor and truth were inherent virtues in those who devote their lives for the defence of the state; but the event authorizes the assertion that these obligations were apparently forgotton by the aggressors of Foxardo.

This tissue of falsehood gives two proofs in our favor. The first is, that Mr. Porter is represented, even by his officers, as capable of being an incendiary, since revenge would have urged him to it had he not been restrained by fear: the second, that they are persuaded of the reception that awaits them if they shall again dare to violate our territory, and if they shall return to assume the character of, as they are called by Charles X, self-ministers of justice.

The spiking of the cannons is said to be the only ground of our complaint; these and others are now prepared to receive all who shall attempt an aggression on our soil. The offence was given to all nations, because the law of nations was violated. We view the conduct of Porter, particularly in relation to the government, as if he were irritated with any of us individually, and for revenge had entered by the yard-gate, and had violated the first of our servant maids. Such had been his conduct, and so contemptible has been his pretended satisfaction.

It is not becoming, at this time, to forget that moderation which we have always observed, and which was distinguishable in the first Foxardo article; but we ought to retort in some degree on the Baltimore editor and others of like character.

NAVY DEPARTMENT, *July* 8, 1825.

SIR: I am directed by the President of the United States to inform you that a court-martial is now sitting at the Navy yard in this place, for the trial of Captain David Porter, upon charges preferred against him, one of which is founded upon his conduct in landing in a forcible manner at Foxardo, in the Island of Porto Rico, in the month of November last.

In apprising the representative of the Spanish government of the fact, I suggest to you the propriety of informing him that the documents heretofore forwarded by him to be laid before the court of inquiry were rejected by the court as incompetent evidence, and not properly authenticated.

This notice should have been given at an earlier day, but was accidentally omitted.

I have the honor to be, &c.,

(Signed) SAMUEL L. SOUTHARD.

Hon. HENRY CLAY, *Secretary of State.*

Mr. Brent to Mr. Salmon.

DEPARTMENT OF STATE, *Washington, July* 8, 1825.

Don Hilario de Rivas y Salmon, chargé d'affaires from Spain:

SIR: I have the honor to inform you that notice has just been received at this office, from the Secretary of the Navy, that a court-martial is now sitting, at the Navy yard in this city, for the trial of Captain David Porter upon charges preferred against him, one of which is founded upon his conduct in landing in a forcible manner at Foxardo, in the Island of Porto Rico, in the month of November last.

In the absence of the Secretary, and by direction of the President of the United States, I have the

honor further to state, that any evidence pertinent to the case, which you may think proper to furnish, will be respectfully received and considered; but in apprising you of this circumstance, I beg leave to suggest that the documents heretofore forwarded by you, to be laid before the late court of enquiry into the conduct of the same officer, were rejected by the court as incompetent evidence, and not properly authenticated.

With great consideration, I am, sir, your obedient and very humble servant,

(Signed) DANIEL BRENT.

[Translation.]

Don Hilario de Rivas y Salmon to Mr. Brent.

LEGATION OF SPAIN, *Philadelphia, July* 10, 1825.

SIR: In answer to your note of the 8th, which I have just received, I have the honor to say, that the documents which I formerly sent, relative to the conduct of Commodore Porter in Foxardo, which were rejected by the court of inquiry, as you inform me, are the only ones which have come to my hands as yet. If, during the session of the court-martial which is now sitting, I shall receive others, which I may think proper to present to the aforenamed court, I shall have the honor of transmitting them to you for that purpose.

I repeat to you, sir, my respects and the assurance of my consideration.

(Signed) HILARIO DE RIVAS Y SALMON.

NAVY DEPARTMENT, *July* 18, 1825.

SIR: I have the honor to request that you will furnish this Department with a copy of so much of Mr. Nelson's last letter as relates to the complaint preferred by the government of Spain, respecting the conduct of Captain David Porter in landing forcibly, in November last, at Foxardo, in the Island of Porto Rica.

With great respect, I have the honor to be, sir, your obedient and humble servant,

(Signed) SAMUEL L. SOUTHARD.

Hon. HENRY CLAY, *Secretary of State.*

DEPARTMENT OF STATE, *Washington, July* 18, 1825.

Samuel L. Southard, Secretary of the Navy:

SIR: I have the honor, agreeably to the request in your letter to the Secretary of State, of this date, to send you an extract, enclosed, from the only dispatch of Mr. Nelson, minister plenipotentiary of the United States in Spain, which has been received at this Department in relation to the complaint of the government of Spain respecting the conduct of Captain David Porter in landing forcibly, in November last, at Foxardo, in the Island of Porto Rico, and to add that this extract comprehends all that the said dispatch contains upon the subject.

I am, with the highest respect, sir, your obedient and very humble servant,

(Signed) DANIEL BRENT.

Extract of a letter from Mr. Nelson, minister plenipotentiary of the United States in Spain, to the Secretary of State of the United States, dated—

MADRID, *April* 6, 1825.

I had an interview with the secretary of state on the subjects of interest between the two governments, not embraced in his note last received. At the close he observed that he should have to address me in relation to the conduct of Commodore Porter.

He observed that his government made a great distinction between the act of Commodore Porter and the American government; that governments friendly towards each other had never any difficulty in arranging matters of this sort.

He alluded to some misconduct of the French in Spain, occurring through the intemperance of their officers; said that as soon as presented to the proper authorities they were remedied by the most prompt accommodation; that he did not entertain a doubt of the same result from the appeal in the instance of the American officers.

He was told that I had no official communication on this subject as yet; but that from the American newspapers, with which I had been furnished, I perceived that Commodore Porter had been recalled, and another officer sent to supply his place in the American squadron.

NAVY DEPARTMENT, *December* 24, 1823.

SIR: Yours of the 18th instant, reporting your arrival in the frigate Congress, in Lynnhaven Bay, has been received.

You will deliver the ship to the commandant of the yard, that she may receive such repairs as may be found necessary, and be prepared for sea as speedily as practicable, as it is my intention that she join Captain Porter's command, on the Florida station, for a cruise of six months or more.

I take pleasure in complying with your wishes to retain the command of the ship.

I am, very respectfully, &c., SAMUEL L. SOUTHARD.

Capt. JAMES BIDDLE, *U. S. Ship Congress, Norfolk, Va.*

NAVY DEPARTMENT, *December* 30, 1823.

SIR: Your letter of the 26th instant, in relation to the condition of your ship, and the terms of service of part of the crew, has been received.

I learn with pleasure that no repairs will be necessary for the cruise for which she is intended. It will not continue longer than six months, and of this you may assure the crew, and re-enter all those whose terms of service will expire before that time, who may be disposed to do so.

I am, very respectfully,

SAM'L L. SOUTHARD.

Captain JAMES BIDDLE, *commanding U. S. Frigate Congress, Norfolk, Va.*

NAVY DEPARTMENT, *December* 31, 1823.

SIR: The United States frigate Congress, under your command, being intended to form part of the squadron placed under the direction of Commodore David Porter, you will immediately, as commander of that ship, report yourself for duty to that officer.

I remain, very respectfully, &c.,

SAM'L L. SOUTHARD.

Captain JAMES BIDDLE, *commanding U. S. Ship Congress, Norfolk.*

NAVY DEPARTMENT, *January* 3, 1824.

SIR: Upon the subject of your letter of the 28th ultimo, I would remark that I do not know any lieutenant in the service of the name of Byrne. It will be necessary that the officers remain attached to the ship, and that those who are absent on permission return, as the service requires that the Congress sails immediately. As the ship under your command is attached to the West India squadron, under the direction of Commodore David Porter, he will give to you all necessary orders in relation to the contemplated service.

I am, very respectfully, &c.,

(Signed) SAM'L L. SOUTHARD.

Captain JAMES BIDDLE, *U. S. Ship Congress, Norfolk, Virginia.*

FRIGATE CONGRESS, *Norfolk, January* 4, 1824.

SIR: In obedience to your order of the 31st ultimo, I have reported myself to Captain David Porter as my commanding officer.

I learn indirectly from Captain Porter that, upon my arrival in the West Indies, it is his intention to come on board this ship and live. In that event, my command will be subordinate to that which is usually held by an officer of my grade of commission, and would necessarily be mortifying and unpleasant to me. I enclose an order to me from Master Commandant Wm. B. Finch, who signs as "captain of the squadron." So far, therefore, from my services being required at all after arriving out, my presence would rather occasion embarrassment and difficulty. Capt. Porter informs me that this ship is to remain abroad only until the Independence can arrive out. I respectfully request, therefore, that upon Captain Porter's joining this ship, I may be allowed to remain on shore in Cuba or wheresoever else the ship may be, and to resume my command of this ship upon the arrival out of the Independence. My desire to continue afloat has been much increased since reading the President's message. The arrangement I solicit will be gratifying to me, as relieving me from serving in a situation not suitable to my commission, and it may prevent unpleasant collision. It will not be attended with expense, since I would not desire any allowance to be made to me for personal expenses on shore.

I have the honor to be, very respectfully, your most obedient servant,

(Signed) JAMES BIDDLE.

Honorable SAM'L L. SOUTHARD, *Secretary of the Navy.*

U. S. SHIP JOHN ADAMS, *January* 2, 1824.

SIR: I enclose to you the copy of an order from Commodore Porter, which you will be pleased to communicate to the two officers, Lieutenant Wm. Taylor and Purser S. Hambleton, concerned, and who are under your immediate command.

I am, sir, very respectfully, your obedient servant,

W. B. FINCH, *Captain of the Squadron.*

Captain JAMES BIDDLE, *commanding U. S. Frigate Congress.*

NAVY DEPARTMENT, *February* 19, 1824.

SIR: Several applications have been made to me, by officers of the Congress, who have leave of absence from Captain Biddle, and have been ordered by you to join other vessels.

There has been some confusion as to these officers, created in part, perhaps, by myself. Some of them had leave of absence before Captain Biddle was ordered to report to you, and others, perhaps, after that time. Captain Biddle, when here, asked me if there would be any objections to those whose services were not wanting in the vessels being absent while she was repairing. I answered that there would not; that it was better they should be absent with their friends, if there was no duty for them. I have had no communication since from Captain Biddle; but he has no doubt properly considered this answer as confirming the permissions already granted, and justifying such as were applied for afterwards, if there are any such. It is my wish, therefore, that the officers who have leave of absence from that vessel be left until she is ready for them. I have another reason. I do not wish transfers to be made in the United States, without the orders of the Department. Several very unpleasant occurrences have lately taken place, arising from that cause. All transfers here ought to be by order of the Department, and elsewhere, immediately communicated to the Department.

I shall write to Captain Biddle, and direct him on this subject, that no further inconvenience may arise to you from his conduct on this point.

There has been some confusion on the subject, but a little time and patience will make matters right. It will probably be necessary, hereafter, to issue a general order on this subject.

I am, very respectfully, &c.,
(Signed) SAMUEL L. SOUTHARD.

Commodore DAVID PORTER, *commanding U. S. West India Squadron, Norfolk, Va.*

SIR: Acting, as I am, in strict conformity with the orders I have received from the Navy Department, and having never, in the slightest degree, departed from them, I confidently look to it to defend my character from unjust aspersion, particularly as I am, with others, prohibited from defending myself through the public prints. I am induced to express this hope, in consequence of the article contained in the newspaper which I have the honor to send you, and which is evidently intended to do me some great injury.

I have the honor to be, your obedient servant,
(Signed) D. PORTER.

Honorable SECRETARY *of the Navy.*

NAVY DEPARTMENT, *December* 31, 1823.

SIR: I have received several communications from you by the mail of this morning, and shall attend to them as early as possible.

I have ordered Captain Biddle (the order sent herewith) to report to you for duty, and you will dispatch him in the Congress to the Florida or the Thompson's Island station, with such orders as you may consider necessary, to execute the views of the Department, contained in the instructions heretofore given you. You will send with him all the vessels under your command which are ready, and will permit no delay which is not indispensable.

I have heretofore sent you some account of piracies lately committed, and I herewith enclose two more, and request your particular attention to the letter signed by Mr. Lawrence, and the course pointed out as a mode of effecting the object.

It being indispensable that difficulties, such as have arisen with Lieutenant Kennon and yourself, should be promptly and firmly terminated by this Department, you will remain at Norfolk, in order that an investigation may take place, and you will therefore forward immediately such charges as you may have to make, and which may direct me in the orders which I have to issue.

It is my intention to have an investigation into the conduct of Captain S. Smith at the same time with that into the conduct of Lieut. Kennon. If, therefore, any of the officers of the vessels which you may send with Captain Biddle are necessary in these investigations, you are authorized to detain them at Norfolk, and, if necessary, supply their places with others now at the station, and who can be spared, taking care not to send away any who may be wanting as witnesses in the trial of Captain Smith and Lieutenant Kennon, so far as you are acquainted with them.

Lieutenant Kennon has named the following officers as witnesses necessary for him:

Lieutenant J. Tattnall, Acting Lieutenant V. M. Randolph, Acting Lieutenant F. Buchanan, Purser Samuel Hambleton, Lieutenant William Taylor.

I have the honor to be, very respectfully, &c., SAMUEL L. SOUTHARD.

Commodore DAVID PORTER, *commanding U. S. Squadron, Norfolk.*

NAVY DEPARTMENT, *January* 2, 1824.

SIR: As it is desirable that the investigation of the cases of Captain Smith and Lieutenant Kennon should take place as early as practicable, you will furnish to the Department the names of the persons, in each case, who are capable of giving testimony, and also a statement of the facts into which you wish an inquiry to be made.

I have the honor to be, &c.,
(Signed) SAMUEL L. SOUTHARD.

Captain DAVID PORTER, *commanding U. S. West India Squadron, Norfolk, Va.*

NAVY DEPARTMENT, *January* 3, 1824.

SIR: You will deliver the enclosed order to Dr. Haslet, detaching him from the squadron under your command. Doctor Tinslar is necessary as a witness in the case for the trial of Lieutenant Kennon.

I am, very respectfully, &c.,

(Signed) SAMUEL L. SOUTHARD.

Commodore DAVID PORTER, *commanding U. S. West India Squadron, Norfolk, Va.*

U. S. SHIP JOHN ADAMS, *January* 4, 1824.

SIR: I have received your instructions of the 31st, which shall be strictly attended to in every particular.

Acting up to the letter and spirit of your instructions, dated December, 1823, I made, through the medium of Mr. Samuel Hamilton, the following proposals in writing to Lieutenant Kennon, which he rejected, hence there was no other alternative but to bring him to a court-martial.

"Captain Porter has heard, from a mutual friend, that Lieutenant Kennon denies that any unfriendly motives actuated him in the publication which drew forth the remarks in the Georgian.

"If Lieutenant Kennon is willing to declare this in writing, this being the primary cause of all the recent difficulties between them, Captain Porter will be then willing to withdraw his charges against Lieutenant Kennon, and suppress all proceedings in the case.

"Captain Porter cannot receive, now, in explanation of Lieutenant Kennon's views or objects in the first publication, any declaration contained in his defence against the remarks in the Georgian; because he (Captain Porter) never made any objection to those remarks, and ought, therefore, to have been considered as satisfied with them. But new causes for offence have been since given, and he can receive no explanation affecting them which may heretofore have appeared in the public prints.

"Captain Porter, when he arrested Lieutenant Kennon, believed that the United States would wait for the Peacock, and therefore thought there would be time enough to admit of his trial; but he had no sooner arrested Lieutenant Kennon, than Captain Hull went to Washington to get orders to proceed immediately to sea. This unexpected occurrence is the cause why Captain Porter is desirous that the affair should be adjusted before she sails, that Lieutenant Kennon may proceed to his destination."

I have the honor to be, very respectfully, your obedient servant,

(Signed) D. PORTER.

To the Hon. SAMUEL L. SOUTHARD, *Secretary of the Navy.*

NAVY DEPARTMENT, *January* 7, 1824.

SIR: A general court-martial has been ordered to convene at the Navy yard, Gosport, Va., on the 22d inst., for the trial of Lieutenant Beverley Kennon, of the United States navy, and such other persons as shall be arraigned before the said court.

The court will be constituted as follows, viz:

Captains Wm. Bainbridge, president, Thomas Macdonough, Robert T. Spence, John D. Henley; Master Commandants Alex. T. Wadsworth, George C. Read; Lieutenants Lawrence Kearny and Thomas M. Newell, members; and Walter F. Jones, Esq., judge advocate.

I am, very respectfully, &c.,

(Signed) SAMUEL L. SOUTHARD.

Captain DAVID PORTER, *commanding West India Squadron, Norfolk, Va.*

NAVY DEPARTMENT, *March* 29, 1824.

SIR: I enclose to you herewith copy of the sentence of the court-martial in the case of Lieutenant Beverly Kennon, with a copy of the letter in which the sentence was enclosed to him.

This trial has occasioned great public excitement and much inconvenience to the service, and it is hoped that all officers will perceive the necessity of avoiding in future whatever will have a tendency to such results.

I am, very respectfully, &c.,

(Signed) SAM'L L. SOUTHARD.

Com. DAVID PORTER, *commanding U. S. Naval Forces, W. I. and Gulf of Mexico.*

NAVY DEPARTMENT, *April* 23, 1824.

SIR: An application has been made to this Department for a copy of the proceedings of court-martial, to be used in the further vindication of the conduct and character of Lieutenant Kenyon, which was declined. In consequence of the copy not being granted, a resolution has been offered and adopted in the House of Representatives calling for a copy of the proceedings.

I am, very respectfully, &c.,

(Signed) SAM'L L. SOUTHARD.

Com. DAVID PORTER, *commanding U. S. Naval Forces, West Indies and Gulf of Mexico.*

Extract of a letter from the Secretary of the Navy to Commodore David Porter, Thompson's Island, dated—

NAVY DEPARTMENT, *May* 17, 1824.

Upon a call by resolution, the proceedings of the court-martial which tried Lieutenant Kennon have been sent to Congress, and they will be published in a few days.

MATANZAS, *June* 5, 1824.

SIR: I have the honor to acknowledge the receipt of your letter of the 29th March, enclosing the sentence of the court-martial on Lieutenant Kennon, with a copy of your letter to him of the 16th, authorizing him "to publish the sentence fully acquitting him," and refusing to order my arrest and trial on the charges preferred by Lieutenant Kennon.

I have also to acknowledge the receipt of your letter of the 23d of April, notifying me of the resolution adopted in the House of Representatives, calling for a copy of the proceedings of the court-martial in the case of Lieutenant Kennon, the publication of which will be highly satisfactory to me, inasmuch as the whole affair is badly understood by the public, who, on perusing them, cannot fail to discover that the court, by a limitation in the inquiry, rendered it impossible that I could prove the bad feeling which had long existed towards me on the part of Lieutenant Kennon, on which the charge of malice was founded. Documental and oral testimony on this head were both rejected; and, in addition, it was intimated to me, by the presiding officer, towards the closing of the testimony on the part of the prosecution, that my presence in court was not necessary, which prevented my attendance as prosecutor. I beg leave to remark, also, that I did not go a willing witness before the court—I was ordered to attend. My testimony was ample, and being called for by the counsel of Lieutenant Kennon, the court was bound to respect it.

I know of no reason why the court was justified in imputing, by its sentence, perjury to me—for if the sentence "fully" acquitting Lieutenant Kennon is just, I am certainly a perjured man; but, sir, my conscience tells me otherwise. In these respects I cannot conceal that I feel myself aggrieved, but should have refrained from complaint, had not this sentence brought on me the reprimand contained in your letter of the 29th March, which I cannot feel that I merit; for if "great public excitement" has been occasioned, it has been by the persevering hostility of Lieutenant Kennon and his friends, who have availed themselves of the press to produce it, before, pending, and subsequently to the trial, an advantage which I have been deprived of by your general order and my absence from the country. The excitement is neither of my seeking or occasioning, and I cannot think myself answerable for it; the blame must therefore rest on those with whom it originated; and the information and admonition which accompany it, could, with great propriety, be applied to those who have been acting in the double capacity of counselors to Lieutenant Kennon, and public accusers of me, without specifying any other charge against me than my having brought a junior officer to a court-martial, who, by the sentence of the court, was "fully acquitted." This appeal to the tribunal of public opinion was not a measure of mine; and if by it the sentence of the court should be reversed, or further "excitement" should be produced, I hope I shall stand acquitted of any participation in the cause, or of censure for any injuries which may result therefrom to the navy.

I regret, sir, that the public do not understand the merits of the differences between Lieutenant Kennon and myself, and I rejoice that it can be made to understand them without any responsibility on my part. I have quietly borne the vituperation of Lieutenant Kennon and his friends through the public prints, and I have patiently waited the result, knowing that justice would sooner or later be done to me. The publication of the proceedings of the court is all I can desire, and to my fellow-citizens I cheerfully confide my cause, with a full confidence in the justice of their decision.

The intimation that "it is hoped that all officers will perceive the necessity of avoiding, in future, whatever will have a tendency to such results," will certainly receive every respect and attention from me; but I cannot help remarking that courts-martial are at all times inconvenient, and occasion more or less "public excitement;" yet they are a necessary evil, are provided for by the laws for the government of the navy, and are the only proper appeal of those of the navy who believe themselves injured. It is made the duty of every officer to prevent a violation of the laws which regulate them, and this duty I felt myself in the performance of when I arrested and brought to trial Lieutenant Kennon.

By this implied censure the prerogatives of a court-martial are exercised; and by a refusal to try me on the charges exhibited against me by Lieutenant Kennon, (a copy of which I beg you to furnish me,) I am deprived of the opportunity, which he has enjoyed, of repelling them, while a knowledge of his having exhibited them and your refusal has gone before the public, who, ignorant of their nature, may imagine them of the worst character, and may conceive the protection of the Department necessary to screen me from the consequences of an investigation.

What the charges of Lieutenant Kennon are I know not; but be they what they may, I do not shrink from them. There is no part of my official conduct that I would not desire to be laid before the world. I have done nothing to be ashamed of; and if the charges embrace any part of it, I cannot willingly consent that they should go on the files of the office unaccompanied by a refutation. If they originate in private animosity alone, and are unconnected with my public duties, I am willing that they should be disposed of as you may think proper; for after what has been done by Lieutenant Kennon and his friends to injure me, nothing of that nature can occasion me surprise or uneasiness.

I beg you, sir, to make allowance for any warmth of expression which may have escaped me in this letter, as it is my wish to make known my own grievances without offending the feelings of others, and nothing is further from my wish than to reflect on any measure of the Department or of the court-martial; but I cannot silently acquiesce in the propriety of an implied censure for performing what I conceived to be a duty I owed to myself and to the service, or in a sentence which I am persuaded others, as well as myself, will, after the publication of the proceedings, think extraordinary.

Having noticed in your letter to Lieutenant Kennon this expression: "There are matters in the trial and in the defence which are not approved, and which it is not proper to publish," allow me to ask of you to inform me what those matters are. Under such circumstances, whether full approbation has

been given to the sentence, and whether they are of a nature which, if rejected, should have changed the decision of the court.

I have the honor to be, with the highest respect, your very obedient servant,
(Signed) D. PORTER.

Hon. SAM'L L. SOUTHARD, *Secretary of the Navy.*

DEPARTMENT OF STATE, *Washington, May* 10, 1824.

SIR: I have the honor of enclosing, herewith, copies of a letter received at this Department from the chargé d'affaires of Great Britain, and of the correspondence which forms the subject of the complaint contained in it, as also of my provisional answer to it, given by direction of the President of the United States.

I have to request the favor of being informed of the result of the inquiry to be instituted, in such manner as to enable me, as soon as may be practicable, to fulfill the promise made in my answer to Mr. Addington.

I am, with great respect, &c., &c., JOHN QUINCY ADAMS.

SAMUEL L. SOUTHARD, Esq., *Secretary of the Navy.*

Mr. Addington to Mr. Adams.

WASHINGTON, *May* 4, 1824.

SIR: In conformity with instructions recently received from England, I have the honor to communicate to you, herewith, copies of a correspondence which has been transmitted by the board of admiralty to his Majesty's secretary of state for foreign affairs, relative to an occurrence which took place in the harbor of the Havana, in the month of June last, when the American merchant brig Hiram received some injury in her rigging, in consequence of the refusal of her mate to make room for his Majesty's ship Eden to pass up the harbor.

In making this communication to you, sir, I am commanded to call your attention to the extraordinary conduct pursued towards the first lieutenant of his Majesty's ship Eden, by Lieutenant Gregory, of the United States schooner Grampus, in making a complaint of a public nature an excuse for attempting to provoke a personal quarrel with a British officer.

His Majesty's government have also seen, with much regret, from the correspondence which followed, that an officer so high in the service of the United States as Commodore Porter, should have been induced to sanction a proceeding of so intemperate a character as that pursued by Lieutenant Gregory.

I confine myself, sir, to bringing these circumstances simply, and without comment, to the knowledge of the American Government, as I feel confident that they will view the affair in the same light with his Majesty's minister, and that they will not hesitate to convey to the naval officers in question the expression of their displeasure at the conduct they have pursued on this occasion; and likewise that they will furnish their naval commanders with such instructions as may prevent a recurrence of conduct so little calculated to preserve a good understanding between the officers of the two navies, and so much at variance with that spirit of sincere friendship and good will which animates their respective governments.

I have the honer to be, with distinguished consideration, sir, your most obedient, humble servant·
H. U. ADDINGTON.

The honorable JOHN QUINCY ADAMS, *Secretary of State.*

Captain Lawrence to Commodore Owen, dated—

HIS MAJESTY'S SHIP EDEN, *Carlisle Bay, Barbadoes, December* 16, 1823.

SIR: In compliance with the order contained in your letter of the 28th September, just received by his Majesty's sloop Scout, I have the honor to inform you that, on the 27th of June last, while his Majesty's ship under my command was warping up the harbor of Havana, the American brig Hiram was lying in mid channel, moored with a small warp directly in our way. More than an hour previous to our weighing anchor, the Hiram was hailed and requested to slack her warp, to give the ship room to pass up the harbor; this the mate, who was left in charge of the brig, refused to do, on this as well on the request being several times repeated; the consequence of this refusal was, that the boom irons on the lower yards of this ship (although braced sharp up to avoid it) hooked part of her rigging, to extricate which I was obliged to order some of her ropes to be cut, the pilot reporting that as the wind blew strong and broad on the bow, if the Eden brought up there was not room to let go an anchor, and that she would go on shore. When weighing anchor, I hailed the Hiram myself, and told the person in charge of her that a few fathoms of her warp would be sufficient to slack, but even this he refused to do, and that in a most violent manner. The consequence of the Eden getting foul of the Hiram was, the cutting of her topmast backstays, and a topsail lift; and on the master, some days after, coming on board, and representing the damage the brig had sustained in her rigging, and expressing his regret at the obstinacy of his mate, and also having written me a letter to the same effect, (copy of which I enclose herewith, as also a copy of my answer to it) I ordered such a quantity of rope to be given him as I thought necessary to replace those cut away, which was about fourteen fathoms, not wishing the owners to sustain injury from the misconduct of the mate of the Hiram. The United States schooner Grampus, Lieutenant Gregory, arrived at Havana on the evening of the 27th, and on the following night, between

the hours of nine and ten, the first lieutenant of his Majesty's ship under my command, brought a letter into my cabin, which he had received from the lieutenant commanding the Grampus, (a copy of which I herewith enclose) and which was brought on board the Eden by the second lieutenant of the same vessel. I immediately sent for the lieutenant, and asked him if Lieutenant Gregory had ordered him on board with it, to which he answered in the affirmative. I then remarked that I was sorry he should have written so extraordinary a letter to my first lieutenant, and that he should either have come himself, or have written to me to ascertain if the statement of the master of the brig was correct, but which I thought it impossible for him to believe. I then stated the conduct of the person in charge of the brig, and asked him how he would have acted under similar circumstances; he replied that he should have acted exactly the same I then told him I thought Mr. Gregory's letter of such an extraordinary nature that I should merely enclose it to Commodore Porter. He then left my cabin and went below with the officers, to whom he expressed the same opinion, and that I had acted perfectly right, and with great forbearance. He then left the ship, and I neither saw or heard more from the Grampus on the subject.

On the 5th July I wrote to Commodore Porter, and enclosed copies of the letters from Lieutenant Gregory and the master of the Hiram, with my answer, (copies of which I enclose herewith.)

I beg to observe that, if the copy of my answer to the master of the brig was dated the 3d of July, as stated by Commodore Porter, it must have been a mistake of my clerk, and ought to have been the 4th. The two bottles of wine which I gave the master was an act of charity, as he was suffering much from a complaint that required port wine, and which he had not been able to procure at the Havana.

In the above statement I hope I have done away with any unfavorable impression which might have been made by false representations and ungenerous insinuations; for surely it never could be supposed that an officer of my rank could so far forget his duty as to wantonly order the ropes of a defenceless merchant vessel to be cut away (to whatever nation she might belong), unless it was to ensure the safety of one of His Majesty's ships, and more particularly one having so large a quantity of specie on board as was the case in this instance.

I have the honor to be, &c., &c., &c.,

(Signed) JOHN LAWRENCE.

Captain Allen, master of the American brig Hiram, to Captain Lawrence of his B. M.'s ship Eden.

HAVANA, *July* 4, 1823.

SIR: In my two several interviews with you, I am perfectly well convinced that the damage done my vessel was owing to an unavoidable accident, and not to any wantonness or outrage on your part, but in some measure to the remissness of my chief officer; and inasmuch as the offer you make me, of replacing the rigging cut, is not a measure that I have any right peremptorily to insist upon, it becomes my duty to acknowledge the procedure as a voluntary courtesy on your part, and at the same time to avow myself perfectly satisfied therewith; inasmuch as it is one of the numerous instances of the good treatment I have always been in the habit of receiving in my intercourse with his Majesty's officers.

With sentiments of respect, I am, &c.,

SYLVESTER ALLEN, *Master of the American Brig Hiram.*

Captain Lawrence to Mr. Allen of the brig Hiram.

HIS MAJESTY'S SHIP EDEN, *Havana, July* 4, 1823.

SIR: I have just received yours of this day's date, wherein you appear to be convinced that the cause of the brig's rigging being cut was owing to the obstinacy of your chief officer, not slacking the small warp when repeatedly requested to do so; therefore, under these circumstances, I do not hesitate a moment in sending you rope to replace the injury done to your rigging, and I also send you two bottles of old port wine, and which, as you are going to take medicinally, I hope will have the desired effect.

I am, &c., &c., &c.,

JOHN LAWRENCE.

Mr. ALLEN, *Brig Hiram.*

Lieutenant Gregory to the first lieutenant of the British ship-of-war Eden.

UNITED STATES SCHOONER GRAMPUS, *Havana, June* 28, 1823.

SIR: The captain of the American brig Hiram having informed me that he has been most wantonly abused by you, and the rigging of the vessel cut and injured, when there was no necessity for either, it becomes my duty, as his brother citizen, to resent this outrage. Such acts of wantonness, I can aver, are not the character of British officers; and therefore I mean not to insult them *en gros*, because you have so far forgotten the duty you owe them. We (the American officers and citizens) entertain no fear of you; we wish to, and will respect you, so far as your deportment deserves it, and no further.

Ignorance and despotism go hand in hand. Duty compels me to leave this port at ten to-morrow morning, until which time you can consider (if necessary) what belongs to an honorable man.

I am, &c.,

F. H. GREGORY, *U. S. Navy.*

John Lawrence, Esq., to Commodore Porter.

HIS MAJESTY'S SHIP EDEN, *Havana, July* 5, 1823.

SIR: I have the honor to enclose you a copy of a letter, from the commander of the United States schooner Grampus to the first lieutenant of his Majesty's ship under my command, which letter was brought on board by a lieutenant, between the hours of nine and ten P. M.

I will not comment on this extraordinary letter, more than its effects might have a tendency to destroy that harmony which, thank God, exists between the officers of the two nations, but leave it to your good judgment to take such steps as you may judge expedient.

Wishing you much health and happiness, I have the honor to be, &c.,

JOHN LAWRENCE.

N. B.—I also enclose you the copy of a letter from the master of the brig Hiram, with a copy of my answer thereto.

Commodore Porter to John Lawrence, Esq.

UNITED STATES GALLIOT SEA GULL, *Allenton, Thompson's Island, July* 25, 1823.

SIR: I have the honor to acknowledge the receipt of your letter of the 5th instant, by H. B. M. brig Bustard, enclosing a copy of a letter from Lieut. Commandant Gregory, of the U. S. schooner Grampus, to the first lieutenant of H. B. M. ship Eden, respecting the cutting of the rigging of the American merchant brig Hiram, and the abuse of the captain by that officer, written in consequence of a complaint made by the American captain, and expressing the sentiments of Lieut. Gregory of the conduct of the first lieutenant of the Eden, which, if the representations made were correct, was, to say the least of it, wanton and unjustifiable.

I have also received, under the same envelope with those letters, copy of a letter from Capt. Sylvester Allen, master of the American brig Hiram, to you, written after his second interview with you on the subject, and dated on the 4th of July, expressing his conviction that the damage done his vessel was owing to unavoidable accident, and not to any wantonness or outrage on your part, but in some measure to the remissness of his chief officer, acknowledging an offer from you of replacing the rigging cut, as a voluntary courtesy on your part, and at the same time avowing his perfect satisfaction, as it is one of the numerous instances he has always been in the habit of receiving in his intercourse with his Majesty's officers. To this is added what purports to be your answer to Capt. Allen, dated the 3d of July, wherein you acknowledge the receipt of his letter, in which you say he states his conviction that the cause of the brig's rigging being cut was owing to the obstinacy of his chief officer not slacking the small warp when repeatedly requested to do so; therefore, under these circumstances, you do not hesitate a moment in sending the rope to replace the injury done to the rigging, and also two more bottles of old port wine, &c., &c.

It appears satisfactorily from the foregoing that an American brig, while in the Spanish port of Havana, had her rigging cut by the order of an officer of H. B. M. ship Eden; that the captain of the brig complained to the commander of the only American vessel-of-war in port, who, in the moment of exasperation, and under the feelings of indignation that would very naturally be produced by such unwarrantable conduct, and not wishing to make a public affair of a thing which he supposed an individual alone responsible for, did address a letter to an officer of his own rank, and the one whom he considered answerable for the outrage, which was evidently intended to excite him to a personal rencontre. This he thought (as he was on the point of sailing) would be a shorter road to the obtaining of satisfaction than an application to the authorities of the port, who had been disregarded by the British officer, or the commander of the British forces in these seas, whose distance precluded the possibility of his rendering immediate redress.

In the conduct of Lieut. Gregory in addressing the letter to the first lieutenant of the Eden, which is made the subject of complaint, I can see nothing that requires an official interference on my part; there is no insult offered or intended to the British officers or to the British flag, but, to the contrary, expressly disavowed.

I view it, therefore, as a personal affair between Lieut. Gregory and the first lieutenant of the Eden, which, as every man must be left to judge for himself in these matters, they must of course settle in the way that best suits theirown feelings; and whatever way it may be settled, I cannot apprehend that it can be productive of any ill-will between the American and British naval officers in those seas, at least it is my sincere wish that it may not; and I shall use every precaution in my power to prevent it.

I cannot but regret that Lieut. Gregory permitted his feelings to master him so far as to induce him to write the letter of which you complain; but let us change places for an instant, and suppose the American brig to have been an English vessel, the officers of the Grampus to have been the offenders, and an appeal had been made by the injured party to the commander of the Eden, the only British vessel in the neutral port of Havana, would you not, let me ask, make use of the readiest means of punishing the aggressor? Lieut. Gregory has done no more.

I am gratified to perceive, by the correspondence, that justice has been done to those who have been injured, to wit, the owners of the American vessel, who were certainly no party in the offensive conduct of the mate, and therefore ought not to have been made to suffer by the destruction of their property; it would have been more gracious, however, if this had not been done in consideration of the acknowledgments contained in the American captain's letter of the 4th of July, six days after the outrage, and after having had two interviews with you, and to which yours dated the 3d of the same month is given as reply.

As justice, however, has been done, and as the American captain has expressed his satisfaction at your proceedings, it does away the necessity of any complaint on my part to the local authorities whose rights you had violated, or to your commanding officer; which would certainly have been made, however painful it might have been to me, but for this (though tardy) adjustment.

I cannot but observe, from the confusion of dates, the circumstances under which the acknowledgments were obtained from the American captain, the day on which this letter is dated, (the day of our national anniversary,) and certain characteristic expressions in his letter, that there is room for suspicion that the letter was not written by him, and that some management was used in obtaining his signature. That the rigging of his vessel was cut by your crew, and that he did complain of the outrage, is certain. If it was right and proper in you to use this violence, there was no necessity in making atonement for it; and if, actuated by a sense of the wrong you had done, you thought proper to make good the damage, you ought not to complain of Lieut. Gregory for making you sensible of it, and least of all should you, to cover your own injustice, have taken advantage of the American captain's distress or weakness to obtain from him acknowledgments calculated to disgrace himself and throw censure on others.

In conclusion, I beg leave to state that I have received no official communication from Lieut. Gregory on the subject, and that my opinion on the merits of the case is founded from facts contained in your own communications.

I have the honor, &c.,

(Signed) D. PORTER,

Commanding U. S. Naval Forces in the West Indies and Gulf of Mexico.

Commodore Owen to Commodore Porter.

H. B. M. SHIP LANCASTER, *Port Royal Harbor, Jamaica, September* 28, 1823.

SIR: Captain Lawrence, of H. B. M. ship Eden, being absent when the Scout arrived, your letter for him, bearing date July 25, has been delivered to me.

With respect to the affair of the American merchant brig, the Hiram, I can give no opinion, as Captain Lawrence has reprehensibly neglected to report to me upon it. It is, however, impossible to conceive that any officer could commit an act of wanton, violent, and unprovoked aggression on an unoffending merchant vessel; and I trust it will appear that nothing has arisen in this case to bear out such an accusation.

If Captain Lawrence has, by intemperance, exposed himself to the rebuke and the insinuations conveyed by your letter, whatever may have been the provocation, it is right that he should give an explanation of his conduct to that department of the government of H. B. Majesty by whose authority he acts. I shall call upon him so to do, and trust he will most fully justify it.

I refer with much regret to the remainder of your letter.

While an officer of your high rank and consideration in the service of your country, condescends to justify the course which, I learn from your letter, was adopted by the commander of the schooner of the United States, the Grampus, not only as applying to a particular case, but as a general measure, it will be in vain that you profess the wish it may not be productive of ill-will between the officers whom we respectively command.

The personal rencontres of hot-headed individuals are seldom the result of reason, nor do they assure at all times the punishment of the aggressor; certainly a reference to that decision, in such difference of feeling as may arise out of the discharge of public duty, can add nothing to the cordiality and confidence of the two services, nor will it conciliate that general good-will which, I had hoped, was making rapid progress, and which I had flattered myself there was, between us, a sincere and mutual disposition to improve. On my part, that disposition yet remains, and trusting it will still be met by corresponding sentiments,

I have the honor, &c.,

(Signed) E. W. C. R. OWEN,

Commodore, commanding-in-chief the Squadron of H. B. M's. Ships and Vessels in the West Indies.

The Secretary of State to Mr. Addington.

DEPARTMENT OF STATE, *Washington, May* 10, 1824.

SIR: In acknowledging the receipt of your letter of the 4th inst., enclosing copies of a correspondence relating to a transaction in the harbor of the Havana, in the month of June last, I am directed by the President of the United States to request you would assure your government of the regret and concern with which he has learned that anything should have occurred having a tendency to irritation or estrangement between officers in the service of our respective countries, and inform them that he has directed immediate inquiry to be made with regard to the facts in the case, and to the motives of the officers of the United States for the proceedings which form the subject of complaint against them. Of the result of this inquiry, your government will, as speedily as shall be practicable, be informed.

I pray you, sir, to accept the assurance of my distinguished consideration.

JOHN QUINCY ADAMS.

NAVY DEPARTMENT, *May* 31, 1824.

SIR: I enclose to you copy of letters, purporting to have been occasioned by a transaction in the harbor of Havana, in the month of June last. They have been communicated by the chargé d'affaires of Great Britain, under instructions from his government "to call the attention of our government to the conduct pursued by Lieutenant Francis H. Gregory, in making a complaint of a public nature an excuse for an attempt to provoke a personal quarrel with a British officer;" and to express regret that you should

have been induced to sanction a proceeding of so intemperate a character as that pursued by Lieutenant Gregory.

The President has directed me to communicate these papers to you, and to call on you for an early explanation of the motives which influenced you in the course which you pursued. I have, by his direction, also called for an explanation from Lieutenant Gregory. It is at all times desirable, and never more so than at present, that the most amicable feelings should be cultivated between our officers and those of other nations; and it is a cause of deep regret that anything should occur having a tendency to irritation and estrangement between them.

I cannot express to you in terms too strong, the necessity of pursuing the objects of your cruise, and with a strict regard to them only. Should you meet the squadrons or ships of other powers, it is the desire of the President that, claiming what is due to ourselves, you manifest a proper respect for their flags; and, should they be employed in similar service, that you extend towards them a very conciliatory disposition, and a sincere desire to harmonize. It is of the highest importance to preserve peace with foreign powers, and, with that view, that no irritating circumstance should occur between our public ships and those of any power. The conduct of our naval commanders is watched by every nation; and our fellow-citizens look to our navy as the means of supporting our rights against encroachments and injuries from other powers, after the constituted authorities have pronounced that such have been committed. They would lose their confidence in and respect for the navy, if it should, in any mode, provoke such injuries, or be instrumental in producing war. I do not urge the strict observance of this conduct in you, from the apprehension that there is any danger that you will depart from it. It is a course of policy which the President thinks of the highest importance to the best interests of the nation, as well as of the navy, and he has enjoined it on me to make a like communication to all our naval commanders, whatever their grade or force may be, or wherever employed.

To the injunctions heretofore given respecting the transportation of specie, the most strict attention will also be paid. A suspicion that our naval commanders, who have heretofore given such proof of their patriotism and high sense of honor, had lost any portion of those manly sentiments, would sink them in the estimation of their country.

I am, very respectfully, &c.,

(Signed) SAM'L L. SOUTHARD.

Captain David Porter, *commanding U. S. Squadron in the West Indies and Gulf of Mexico.*

Navy Department, *May* 24, 1824.

Sir: I enclose to you a copy of a letter purporting to have been written by you on the 28th of June, 1823, to the first lieutenant of the British ship-of-war Eden, at Havana, with the correspondence to which it gave rise. They have been communicated by the chargé d'affaires of Great Britain, under instructions from his government to call the attention of our government to the conduct pursued by you, in making a complaint of a public nature an excuse for attempting to provoke a personal quarrel with a British officer.

The President of the United States has directed me to call on you for an early explanation of your letter, and the circumstances and motives which occasioned it.

It is at all times cause of regret and concern that anything should occur having a tendency to irritation and estrangement between officers in the service of the two countries, and it is hoped that such an explanation will be given as may be satisfactory to the government, and consistent with the high character you have heretofore sustained in the public service.

I am, respectfully, &c.,

(Signed) SAMUEL L. SOUTHARD.

Francis H. Gregory, Esq., *Lieutenant U. S. Navy, New York.*

New York, *June* 10, 1824.

Sir: I have had the honor to receive your letter, and the accompanying documents, relative to the differences which occurred between an English naval officer and myself at Havana, in June, 1823.

My letter, addressed to the first lieutenant of the English sloop-of-war Eden, bears its explanation in the first paragraph; it was intended promptly to resent an insult and outrage offered an American citizen, who had no means of redressing his wrongs but through my intervention, and whose call for satisfaction had previously been contemptuously disregarded. I had then as little disposition to provoke a personal quarrel with a British officer as I had fears of the consequences, when insulting aggressions on his part rendered it not only necessary, but absolutely unavoidable, as I conceived was the case in the instance wherein I am accused. The circumstances which induced me to address the first lieutenant of the Eden were briefly as follows: Shortly after my arrival at Havana, on the 27th June, 1823, Captain Sylvester Allen, of the American merchant brig Hiram, came on board the Grampus for the purpose, and complained that the Eden had warped foul of his vessel, on her way up the harbor, either by design or mismanagement; and without the least forbearance, or using any endeavors to clear her without damage, and although there was no necessity from the apprehension of any accident befalling the ship, they immediately and most wantonly cut all the Hiram's rigging within their reach; that to their respectful entreaties to desist they were answered with abusive and insulting language; and that no redress could be obtained for the injuries and insults thus put upon him. While deliberating upon the course most proper to be pursued upon this information, Captain Winder, of the English brig Cherub, a very respectable man, and well acquainted with me, came on board the Grampus and voluntarily corroborated Capt. Allen's statement, expressed his regret at the wantonness of the Eden's officers, and said that he had been on board the Hiram and surveyed the damages done her, and given it as his opinion that satisfaction was due for the outrages which had been committed, he having witnessed the transaction. Believing

then, as I now do, that Capt. Lawrence had refused to do justice upon the application of Capt. Allen, and considering it an outrage which ought to be instantly noticed to prevent a recurrence of such treatment to our merchantmen, who are always looking to us and expect protection, and intending to leave the port in a few hours, I had no time for negotiation, nor the least prospect of obtaining satisfaction by pacific measures, I conceived it most proper, under all circumstances, to express myself in the manner my note exhibits, and I addressed it to the first lieutenant of the Eden, because, as a gentleman, he ought to have held himself responsible to Capt. Allen for his abusive language, and because I was upon a level with him, an honor Capt. Allen was not permitted to enjoy.

I enclose you a certificate of Lieutenant Ray, who carried my note, by which you will be informed of the truth of that part of the transaction. On Lieutenant Ray's return, with the assurances of Captain Lawrence that the damage done to the Hiram should be immediately repaired, I informed Captain Allen thereof, and gave myself no further concern about the matter, excepting merely to satisfy myself that Captain Lawrence had promptly and faithfully performed his promise. The damages were repaired between the date of my note and the 2d of July, of which I had information previous to my departure from the port on that day. On the 3d of July I arrived at Thompson's Island. After all this the correspondence between Captain Allen and Captain Lawrence takes place under date the 4th, and is of a character unworthy of any honorable man. I was informed of Captain Lawrence's extraordinary attention to Captain Allen, and though I suspected his intentions, I took no measures to counteract them, not believing Captain Allen would act so basely as he has been instigated to do. Commodore Porter's remarks upon those letters are fully warranted by the circumstances under which they were written and presented to him, and I entirely accord in opinion with him, and also do not conceive it necessary for me to notice them further than to remark my belief that such a display of ingenuity must be at the expense of some one's integrity, and that I am not one of those who consider Captain Lawrence's rank as a positive assurance that he could not have been guilty of any aggression or malconduct in this affair. I trust, sir, that you will perceive there was a necessity for my interference in this case, and that you will acquit me of having any designs to interrupt the friendly intercourse with foreign officers, which it is the wish of the government, and the interest of the navy officers particularly, to preserve.

I have never been engaged in a personal contest with any one, and hope that I may never be compelled to make so painful a sacrifice of principles long cherished, by any circumstances that may hereafter transpire in the course of my life. I shall always be found obedient to the orders of my superiors; but I cannot promise ever gracefully to submit to insults either to myself or countrymen.

I have the honor to be, very respectfully, your obedient servant,

FRANCIS H. GREGORY, *Lieut. U. S. Navy.*

Hon. Samuel L. Southard, *Secretary of the Navy*

I, James W. H. Ray, a lieutenant of the United States navy, do hereby certify that while attached to the United States schooner Grampus, commanded by Lieut. Francis H. Gregory, and lying at anchor in the harbor of Havana, on the 28th June, 1823, Captain Sylvester Allen, of the American merchant brig Hiram, came to the Grampus, and, after inquiring for Lieutenant Gregory, stated that the English sloop-of-war Eden, in warping up the harbor the evening previous, had run foul of his vessel, and without having any provocation, or there being any necessity for doing so, wantonly cut and damaged the rigging of his vessel, and otherwise abused them, for which no satisfaction whatever could be obtained. This complaint, made alongside, before most of the officers of the Grampus, was properly reported by me to Lieutenant Gregory immediately afterwards. Early in the evening of the 28th June I was directed by Lieutenant Gregory to carry a sealed note to the first lieutenant of the Eden, which I delivered to him on the quarter-deck of that ship. He immediately went below and read the note by the sentinal's light, at the cabin door. After having perused it he went into the captain's cabin, while I, at the special invitation of some of the officers of the ship, went into the ward-room. After remaining there some little time I repaired to the cabin, at the captain's request. On my entrance he immediately adverted to the note I had delivered to his first lieutenant, which he then had before him, and detailed to me the circumstances of his differences with Captain Allen, in his own way, very differently from the statement given by Capt. Allen, to which I replied, in mere civility, that *if his stat ment was true* the course he had pursued was justifiable. But I am free to say, as it differed so much from Captain Allen's account of the matter, and was totally at variance with other proofs which had come within our knowledge, that I could not give full faith to his relation of the circumstances. As to my expressing myself to the officers of the Eden in the manner Captain Lawrence has stated, I positively deny it; the more so as from my knowledge of the circumstances, I thought Lieutenant Gregory acted very properly in resenting the outrageous conduct of the Eden's officers towards one of our countrymen. Captain Lawrence, after commenting upon Lieutenant Gregory's note, and the circumstances of the case, and frequentl reyverting to his ship's being a *man-of-war*, and having then on board *a very large quantity of specie*, finally expressed his regret that any difficulty should have arisen; that he would immediately repair the damage done the Hiram, and intended to make the letter written by Lieutenant Gregory the subject of an official complaint to Commodore Porter. I then left him and returned with his message immediately on board the Grampus, and communicated it to Lieutenant Gregory. I did not, as Captain Lawrence has stated, go down amongst his officers after my interview with him in the cabin of his ship.

We left Havana on the 2d July, for Thompson's Island, and I heard nothing more of these matters until Lieutenant Gregory laid before me several papers on the subject, recently transmitted to him by the honorable Secretary of the Navy. On perusing them I could not but remark that the letter purporting to have been written by Captain Allen to Captain Lawrence fully warrants the suspicions expressed by Commodore Porter respecting it. I have no doubt of its having been dictated by some person, as I am persuaded, from what I observed of Captain Allen, that it is not his language which it bears. Captain Lawrence's charitable care towards Captain Allen, after the receipt of Lieutenant Gregory's note, and his generous condescension in inviting him to his table, laid him under obligations which certainly called for some expression of his gratitude, though they by no means required so great a sacrifice of his honor.

(Signed) J. W. H. RAY, *Lieutenant U. S. Navy.*

New York, *June* 6, 1824.

WASHINGTON, *June* 26, 1824.

SIR: I have this day received your communication of the 31st May, enclosing certain papers respecting an altercation between Lieutenant Gregory and Captain Lawrence, of the British navy, and am somewhat surprised to find myself charged with having sanctioned Lieutenant Gregory's conduct on that occasion, when, so far from having given my sanction to it, I disapproved of it, and so expressed myself to Lieutenant Gregory. It is certain, however, that I did not, and could not, approve the shameful, wanton and disgraceful conduct of Captain Lawrence, to whom, he having appealed to me, it became my duty to make known my sentiments on the subject, which are contained in my letter to him of the 25th July, 1823, and which now continue the same as they were when that letter was written. Commodore Owen has pledged himself, by his letter to me of the 28th September, to investigate the conduct of Captain Lawrence; and it was his duty to have done so and ascertained the result before any charge was brought against Lieutenant Gregory or myself.

I am aware of the propriety, and believe it always necessary to preserve a good understanding with all foreign officers, and I have uniformly manifested a disposition to harmonize with them since I have held my present command, as has been made manifest on every occasion when I have come in contact with them, and as has been expressed not only in their letters to me, but in the orders of the board of admiralty, recently published by Commodore Owen. The harmony which has existed between myself, the officers under my command, and the officers of the British navy, in our frequent intercourse with them, has been the source of great pleasure to ourselves and some surprise to others, and whatever other charge may be brought against us, the charge from them of a disposition, on our part, to encourage bad feelings, is groundless, as you will perceive by the enclosed copy of a letter to Commodore Owen.

As regards the transportation of specie, I shall be governed, myself, and cause others under my command to be governed, by the orders of the Department, from which there will not be the slightest deviation, whatever they may be. I know not the causes which gave rise to your injunction on this head, but it is a source of great satisfaction to me that my conduct is made an exception from the general apprehension; and I shall esteem it a particular favor, if, hereafter, any suspicions should be entertained of my having "lost any portion of those manly sentiments" adverted to, that I may be early apprised thereof, in order that I may meet them promptly.

I have the honor to be, with great respect, sir, your most obedient servant,
(Signed) D. PORTER.

Honorable SAM'L L. SOUTHARD.

WASHINGTON, *November* 22, 1823.

SIR: I have the honor to acknowledge the receipt of your several communications of the 28th of July and 23d and 28th of September. The cordiality which prevailed between the forces under the direction of Captain McLean and those under Lieutenant Watson gave me sincere pleasure, and I was prepared by the report of Lieutenant Watson to esteem your officer before I had, by a personal acquaintance, become better acquainted with his character. The small services I was enabled to render Captain McLean, his officers and crew, have been too highly estimated by him. I did no more than humanity called for, and no more than might have been expected in one of your ports, had any of our vessels been similarly afflicted.

The expression of the sentiments contained in your letter is highly gratifying to me, and I beg you to be assured that it will at all times afford me the utmost pleasure to have it in my power to extend to any of his Britannic Majesty's officers every hospitality that our small establishment will afford.

With regard to the complaint of Captain Lawrence and his aggression, as commented on in my letter to him, I can only regret that you have so hastily expressed your opinion as to the impossibility of such conduct on his part, because I feel a conviction in my own mind that you will, on investigation, be satisfied that I have said nothing to him which his conduct did not justify; that he did "commit an act of wanton, violent and unprovoked aggression on an unoffending merchant vessel," and that, too, in a Spanish port, and in disregard of the proper authorities.

You misunderstand me, sir, when you suppose me to be an advocate of duelling, and you do not properly appreciate my feelings when you doubt the sincerity of my assurances. I have felt every desire to preserve harmony between those under my command and all foreign officers, and I hope the uniformity of my conduct has proved it; but if it is believed that I will permit violence to be offered by any one to the persons and property of my fellow-citizens, or an insult to our flag, with impunity, too much is expected of me.

I have the honor to be, with every sentiment of respect, your very obedient servant,
(Signed) D. PORTER,
Commanding U S. Naval Forces in the West Indies and Gulf of Mexico.

Commodore E. W. R. C. OWEN, *Commanding-in-chief the Squadron of his Britannic Majesty's Ships and Vessels in the West Indies.*

OAK HILL, *August* 9, 1824.

SIR: I send you a letter addressed to the Secretary of the Navy, of which I wish you to communicate a copy to Commodore Porter for Lieutenant Gregory, and one to Mr. Adams.

I address it to the Secretary, that you may communicate in the manner stated.

With great respect, your obedient servant,
(Signed) JAMES MONROE.

Inform Mr. Adams, that I shall answer his by next mail. Return me a copy of the letter enclosed.

To the CHIEF CLERK *of the Navy Department.*

NAVY DEPARTMENT, *August* 12, 1824.

SIR: I have been instructed by the President of the United States to transmit to you the enclosed copy of a letter addressed by him to the Secretary of the Navy, and have the honor to request that you will communicate the same to Lieutenant F. H. Gregory.

I am, very, &c.
(Signed) CHARLES HAY.

Capt. DAVID PORTER, *U. S. West India Squadron, &c. Present.*

OAK HILL, *August* —, 1824.

SIR: I received from the Department, by the last mail, a copy of the letter from the Secretary of the Navy to Commodore Porter, of the 31st of May last, relating to the transaction which occurred in the port of Havana, between Lieut. Gregory and the commander of the British sloop-of-war Eden. I had before received a copy of the commodore's letter to the Secretary, of the 26th of June, in reply to that to him, with a copy of his letter to Commodore Owen, of the 22d of November, and of Lieut. Gregory's to the Secretary, of the 10th of June, in reply to one to him, and of a report of Lieut. Ray to Commodore Porter, on the same subject.

It appears by these documents that the incident occurred in the port of Havana, and that Lieutenant Gregory interfered, at the instance of Captain Allen, whose brig, the Hiram, a merchant vessel, had been injured by the British sloop-of-war Eden, and whose commander, Capt. Lawrence, had refused to make to the injured party, on his own application, a just reparation. Of the nature of the interference no precise information is given, except what is contained in the report of Lieut. Ray, and Lieut. Gregory's letter to the Secretary, above noticed. Lieut. Ray states that he carried and delivered a sealed letter to the first lieutenant of the Eden from Lieut. Gregory, which, from the other passages contained in the report, I infer to have been one which made the affair between the captain of the Hiram and the British officer personal; Lieut. Gregory resenting the injuries done to the Hiram, and insults offered to Captain Allen, as if rendered to his own ship and to himself.

This interference is supported by Lieut. Gregory's letter to the Secretary, in which he states that he had no prospect of obtaining the satisfaction which had been refused to Capt. Allen by pacific measures; and also by other passages, and indeed by the tone of the whole letter.

Any interference of Lieut. Gregory, or by any commander of one of our public ships, would, it is presumed, be considered by the commander of the British ship, in such a case, as official; and that it was so intended by Lieut. Gregory, is to be inferred from his letter. He speaks of the protection claimed by the commanders of our merchant vessels from our ships-of-war, and due to them, and that this was an instance which required prompt attention. It was as commander of the Grampus that application was made to him by Captain Allen, and it was in that character that he addressed his letter to Captain Lawrence. Had he not been the commander he would not have been there. He could write the letter, therefore, in no other character.

In time of peace, expeditions are equipped for special purposes.

The orders given to their commanders are precise, and intended to preserve peace with the belligerents, on just principles; with other friendly powers they bear no relation. In this instance the great object was the suppression of piracy, which had in view a lawless banditti only. Great care has been observed, in the instructions given to Commodore Porter, to guard, in the execution of his orders, against any collision between him and those under his command, and either of the belligerents, Spain or the new governments. The possibility of such an occurrence with any other friendly power was not even anticipated.

It was concluded that our officers, well acquainted with this duty, would follow strictly their instructions, and not go in any instance beyond them. In every view, therefore, which I have taken of the subject, I have considered the interference of Lieut. Gregory improper. The incident occurring in the port of Havana, he had, on no principle whatever, any right to interfere with any power in his character as commander of a public ship. The government of the island had jurisdiction of the case. To the governor complaint of the injury ought to have been made by the consul, whose duty it was, had redress not been obtained of him, to have reported the whole transaction to his own government, that it might be sought by it through the proper channel of the British government. Had Lieut. Gregory, in a mild and friendly way, disclaiming all official pretension or right to act as naval commander, endeavored to reconcile the parties, and to obtain justice for his injured fellow-citizen, there could have been no objection to it. There would, in that case, have been no compromitment of his government and country. The principle on which Lieut. Gregory interposed has no limitation. If the commander of a public ship can interfere in such a case, or in any case to which his orders do not extend, on the general principle of protecting our commerce according to his own discretion, the most pernicious consequences will necessarily follow from it. The right of peace and war may be taken from his government into his own hands. In expressing thus decidedly my disapprobation of Lieut Gregory's conduct, I do not mean to impute any improper motive for it. I think that he acted from patriotic motives, though, undoubtedly, they were mis conceived and misapplied in the instance under consideration.

I am, with great respect, your obedient servant,
(Signed) JAMES MONROE.

To the SECRETARY *of the Navy.*

DEPARTMENT OF STATE, *Washington, August* 31, 1824.

SIR: Your letter of the 4th of May last, with its enclosures, have been laid before the President of the United States, by whose direction I have the honor of assuring you of the great concern with which he has learnt the occurrence of circumstances tending in any manner to interrupt the good understanding,

or impair the harmony which it has been, and continues, his earnest desire to see prevailing between the officers of the United States and those of your country, who, in the course of their respective services, may be brought into personal relations with each other.

He concurs entirely in that sentiment of disapprobation, which has been on this occasion expressed by your government, and to which your note has invited particular attention, upon the ill example of making a transaction of a public nature the ground of a provocation to personal conflect in private war.

Of this sentiment of the President, Commodore Porter and Lieut. Gregory have both been apprised. It is in strict conformity with the instructions to all the naval officers of the United States, and it is hoped will serve as a guide to them in all their public relations with the officers of your country hereafter.

With regard to the facts in which the controversy to which your letter refers originated, an aspect somewhat different from that exhibited in the papers which you enclosed has been presented by the communications received from Commodore Porter and Lieutenant Gregory. But as the differences are not deemed absolutely necessary to the single principle upon which the animadversion of both governments has been called forth, it is believed to comport with the views of both to leave them without further investigation.

I pray you, sir, to accept the assurance of my distinguished consideration.

JOHN QUINCY ADAMS.

HENRY U. ADDINGTON, Esq., *Chargé d'Affaires from Great Britain.*

U. S. SHIP PEACOCK, *Hampton Roads, February* 13, 1823.

SIR: I have the honor to inform you that I am now anchored in these roads with the whole squadron, with the exception of the barges, which will be ready to leave Norfolk in the course of two days, and will proceed direct to Thompson's Island. My course with the squadron will be circuitous, and will be regulated by your instructions of the 4th instant.

Accompanying this is a list of the officers under my command, with the names of the ships to which they belong.

I have the honor to be, very respectfully, your most obedient servant,

(Signed) D. PORTER.

Hon. SMITH THOMPSON, *Secretary of the Navy, Washington City.*

A return of the officers attached to the expedition, under Commodore D. Porter, for the suppression of piracy.

David Porter, commander of the squadron.
Lieutenant Commander John M. Maury, acting as captain to the squadron.
David P. Adams, chaplain.
Peter Wilson, secretary to Commodore Porter.
James G. Boughan, signal officer.
Thomas Barron, clerk.

UNITED STATES SHIP PEACOCK.

Stephen Cassin, Esq., commander.
Joseph Cassin, lieutenant.
Eli A. F. Vallette, lieutenant.
Thomas Crabb, lieutenant.
Corn's K. Stribling, lieutenant.
Joseph Williston, sailingmaster.
John De Bree, purser.
Wm. D. Babbit, surgeon's mate.
John G. Rodgers, midshipman.
Francis Stone, midshipman.
Robert Steed, midshipman.
John A. Carr, midshipman.
Wm. Rittenhouse, midshipman.
John E. Bispham, midshipman.
P. A. Stockton, midshipman.
R. M. Benbridge, midshipman.
Miles King, jr., midshipman.
Kinsey Johns, midshipman.
James Thayer, boatswain.
Walter Cochran, gunner.
Thomas Armstrong, carpenter.
James Childs, sailmaker.

(Signed) JOHN DE BREE, *Purser.*

UNITED STATES SHIP PEACOCK, *February* 13, 1823.

UNITED STATES SCHOONER GRAYHOUND.

John Porter, captain.
Sam'l W. Downing, lieutenant.
David G. Farragut, acting lieutenant.
Wm. Belt, surgeon's mate.
Benjamin Follet, passed midshipman.
Cadw'r Ringgold, midshipman.
Cha's T. Shoemaker, midshipman.

UNITED STATES SCHOONER SHARK.

Matthew C. Perry, lieutenant, commander.
Wm. T. Temple, lieutenant.
Wm. F. Shields, lieutenant.
Cha's Ellery, acting lieutenant.
Rob't Cunningham, sailingmaster.
John B. Timberlake, purser.
John S. Wiley, surgeon.
Timothy G. Benham, midshipman.
Arthur Lewis, midshipman.
Charles H. Starr, midshipman.
Samuel F. Hazard, acting midshipman.
Amasa Paine, acting midshipman.
Alex'r Gibson, acting midshipman.
Wm. J. Slidell, acting midshipman.
John M. Breeze, master's mate.
Tho's Norman, captain's clerk.
Ja's B. Wright, boatswain.
John Deacon, carpenter.

UNITED STATES GALLIOT SEA GULL.

Wm. H. Watson, lieutenant, commander.
Hiram Paulding, lieutenant.
Ralph Voorhees, lieutenant.
William Inman, lieutenant.
Tho's Williamson, hospital surgeon.
Arthur Bainbridge, acting sailingmaster.
C. H. Van Brunt, surgeon's mate.
Andrew A. Harwood, midshipman.
Sam'l W. Stockton, midshipman.
Robert Taylor, midshipman.
Quinton Ratcliffe, cadet midshipman.
John Webb, master's mate.

UNITED STATES SCHOONER JACKAL.

Tho's H. Stevens, lieutenant, commander.
Josiah Tatnall, lieutenant.
James Goodrum, lieutenant.
Edmond Byrne, passed midshipman.
Tho's J. Harris, midshipman.
Wm. W. Whetcroft, cadet midshipman.
Hamil'n E. V. Robinson, cadet midshipman.

UNITED STATES SCHOONER FOX.

Wm. H. Cocke, lieutenant, commander.
Rich'd M. Potter, lieutenant.
John Kelly, passed midshipman.
Geo. F. Pearson, passed midshipman.
Mordecai Morgan, surgeon's mate.
John L. Ball, midshipman.
John J. Jenkins, cadet midshipman.
Sam'l B. Cocke, cadet midshipman.

UNITED STATES SCHOONER WILD CAT.

Cha's W. Skinner, lieutenant, commander.
Fred'k G. Wolbert, lieutenant.
J. W. Sullivan, passed midshipman.
Wm. H. Gardner, passed midshipman.
Geo. W. Simmes, midshipman.
Henry D. Scott, midshipman.
Geo. B. Wilkinson, cadet midshipman.

UNITED STATES SCHOONER BEAGLE.

John T. Newton, lieutenant, commander.
James E. Legare, lieutenant.
Rob't Ritchie, passed midshipman.
Geo. W. Sommerville, passed midshipman.
Sam'l Marshall, cadet midshipman.
J. M. Watson, cadet midshipman.
Neil Howison, cadet midshipman.

UNITED STATES SCHOONER FERRET.

Sam'l Henley, lieutenant, commander.
John T. Ritchie, lieutenant.
Fred'k Engle, passed midshipman.
Thomas Dornin, passed midshipman.
John Swartwout, midshipman.
Nath'l W. Duke, midshipman.
Edward Hoban, cadet midshipman.

UNITED STATES SCHOONER TERRIER.

Rob't M. Rose, lieutenant, commander.
John A. Wish, lieutenant.
Ephraim D. Whitlock, lieutenant.
W. W. McKean, passed midshipman.
Ebenezer Reyner, midshipman.
G. C. Ashton, cadet midshipman.
Wm. B. Everett, cadet midshipman.

UNITED STATES SCHOONER WEASEL.

Beverly Kennon, lieutenant, commander.
Henry Ward, lieutenant.
F. M. Buchanan, passed midshipman.
V. M. Randolph, passed midshipman.
Wm. M. Glendy, midshipman.
William Green, midshipman.

BARGES.

Tho's M. Newell, lieutenant.
W. D. Conway, surgeon's mate.
Joseph Moorhead, acting sailingmaster
John H. Smith, acting sailingmaster.
Wm. P. Pearcy, midshipman.
Joseph G. Smith, midshipman.
F. L. C. Fatio, midshipman.
Rob't W. Alden, acting midshipman.

DECOY.

Lawrence Kearney, lieutenant, commander.
Wm. E. McKenny, lieutenant.
Ja's M. McIntosh, lieutenant.
Wm. T. Rodgers, acting master.
Francis A. Thornton, purser.
Richard C. Edgar, surgeon.
Benj. R. Tinslar, acting surgeon's mate.
Stephen M'Cloud, master's mate.
L. M. Powell, midshipman.
Hampton Westcott, midshipman.
D. L. Randolph, midshipman.
John J. Glasson, acting midshipman.
L. Pennington, acting midshipman.

MARINE OFFICERS.

Alfred Grayson, captain.
Geo. W. Walker, lieutenant.
Stephen W. Rogers, lieutenant
William A. Bloodgood, lieutenant.

(Signed) J. M. MAURY, *Captain to the Squadron.*

UNITED STATES SHIP PEACOCK, *Norfolk, February* 12, 1823.

List of officers who held acting appointments in the West India squadron during the years 1823 *and* 1824, *and whose acting appointments were not given by the Department.*

John M. Maury, lieutenant, appointed acting captain.
Mordecai Morgan, surgeon's mate, appointed acting surgeon.
Wm. Belt, surgeon's mate, appointed acting surgeon.
Wm. D. Conway, surgeon's mate, appointed acting surgeon.
Wm. D. Babbet, surgeon's mate, appointed acting surgeon.
E. L. Dubarry, surgeon's mate, appointed acting surgeon.
H. W. Bassett, surgeon's mate, appointed acting surgeon.
B. Ticknor, surgeon's mate, appointed acting surgeon.
John S. Wiley, surgeon's mate, appointed acting surgeon.
Samuel Anderson, appointed acting surgeon's mate.
Wm. D. Price, appointed acting surgeon's mate.
Gregory Weems, appointed acting surgeon's mate.
C. H. Van Brunt, appointed acting surgeon's mate.
D. G. Farragut, midshipman, appointed acting lieutenant.
Charles Ellery, midshipman, appointed acting lieutenant.
Henry D. Scott, midshipman, appointed acting lieutenant.
Frederick Engle, midshipman, appointed acting lieutenant.
George W. Somerville, midshipman, appointed acting lieutenant.
John Kelly, midshipman, appointed acting lieutenant.
Wm. W. McKean, midshipman, appointed acting lieutenant.
Franklin Buchanan, midshipman, appointed acting lieutenant.
George F. Pearson, midshipman, appointed acting lieutenant.
Wm. H. Gardner, midshipman, appointed acting lieutenant.
Edmund Byrne, midshipman, appointed acting lieutenant.
Robert Ritchie, midshipman, appointed acting lieutenant.
Benjamin Follet, midshipman, appointed acting lieutenant.
John M. Sullivan, midshipman, appointed acting lieutenant.
Levin M. Powell, midshipman, appointed acting lieutenant.
Wm. T. Rodgers, midshipman, appointed acting lieutenant.
V. M. Randolph, midshipman, appointed acting lieutenant.
James G. Boughan, midshipman, appointed acting lieutenant.
Joseph Moorehead, midshipman, appointed acting lieutenant.
Wm. P. Piercy, midshipman, appointed acting lieutenant.
John Rudd, midshipman, appointed acting lieutenant.
Thomas Dornin, midshipman, appointed acting lieutenant.
T. G. Benham, midshipman, appointed acting lieutenant.
Ste. B. Wilson, midshipman, appointed acting lieutenant.
B. S. Grimke, midshipman, appointed acting lieutenant.
A. B. Pinkham, midshipman, appointed acting lieutenant.
Joseph Cutts, midshipman, appointed acting lieutenant.
Jott S. Paine, midshipman, appointed acting lieutenant.
John A. Carr, midshipman, appointed acting lieutenant.
Henry Bruce, midshipman, appointed acting lieutenant.
R. B Cunningham, midshipman, appointed acting lieutenant.
R. S. Pinckney, midshipman, appointed acting lieutenant.
L. M. Booth, midshipman, appointed acting lieutenant.
Alexander Slidell, midshipman, appointed acting lieutenant.
James K. Vallette, midshipman, appointed acting lieutenant.
James Glynn, midshipman, appointed acting lieutenant.
A Bainbridge, midshipman, appointed acting sailingmaster.
John H. Smith, midshipman, appointed acting sailingmaster.
Wm. M. Rittenhouse, midshipman, appointed acting sailingmaster.
John D. Bird, midshipman, appointed acting sailingmaster.
Peyton T. Henley, midshipman, appointed acting sailingmaster.
Lewis Seeger, midshipman, appointed acting sailingmaster.
L. M. Harby, midshipman, appointed acting sailingmaster.
Elias C. Taylor, midshipman, appointed acting sailingmaster.
John Manning, midshipman, appointed acting sailingmaster.
Wm. D. Newman, midshipman, appointed acting sailingmaster.
Wm. Shaw, midshipman, appointed acting sailingmaster.
Wm. H. Pennock, midshipman, appointed acting sailingmaster.
M. S. Scott, midshipman, appointed acting sailingmaster.
A. F. Porter, midshipman, appointed acting sailingmaster.
Jas. T. Homans, midshipman, appointed acting sailingmaster.
John H. Little, midshipman, appointed acting sailingmaster.
Joshua H. Justin, midshipman, appointed acting sailingmaster.
Chas. E. Hawkins, midshipman, appointed acting sailingmaster.
William Green, midshipman, appointed acting sailingmaster.
Jas. H. Clinton, midshipman, appointed acting sailingmaster.
James M. Watson, appointed acting midshipman.
Kinsey Johns, appointed acting midshipman.
Robert A. Cocke, appointed acting midshipman.
William Covington, appointed acting midshipman.
Robert Benbridge, appointed acting midshipman.
F. G. Beatty, appointed acting midshipman.

Ben. L. Slye, appointed acting midshipman.
A. Aiken, ordinary seaman, appointed acting midshipman.
Jas. S. Scott, yeoman, appointed acting midshipman.
William E. Hoxie, master's mate, appointed acting sailingmaster.
R. Richardson, master's mate, appointed acting sailingmaster.

NAVY DEPARTMENT, *December* 20, 1822.

SIR: In reply to your letter of the 16th instant, I have to observe that I have repeatedly had occasion to consider and refuse requests similar to yours, and to explain what is the established course of the Department with respect to acting appointments. They are authorized only in cases of emergency, and cease as soon as the necessity ceases. The rules and regulations of the service are explicit on this subject, and I have constantly endeavored to impress upon commanders the necessity of rigidly adhering to these rules, and to explain, to the officer receiving the acting appointment, that it would cease as soon as the place could be filled by a regularly commissioned or warrant officer. I cannot, therefore, comply with your request.

I am, respectfully, &c.,
(Signed) SMITH THOMPSON.

Midshipman V. M. RANDOLPH, *U. S. Navy, Norfolk, Va.*

SEA GULL, *Port Rodgers, August* 1, 1823.

SIR: Application has been made to me by the American consul, to take one million of dollars from La Vera Cruz to Cadiz, in October; and as we have but few opportunities in this way to make a little for ourselves, may I ask the indulgence of the Department in this respect?

If a direct conveyance cannot be granted, can I send the money to the United States? and can a transhipment take place from thence to Cadiz? This course will obviate all objections as regards the belligerent character of the property, if any exists.

An answer by the return vessel is desirable.

I have the honor to be, your obedient servant,
(Signed) D. PORTER.

Hon SECRETARY *of the Navy.*

WASHINGTON CITY, *November* 3, 1823.

SIR: There are wanting for the West India station the following officers, to wit:

One master commandant to command the Hornet. One master commandant to be stationed on Thompson's Island, and to command the barges. One master commandant to do the duty of captain to the squadron. One lieutenant. Five passed midshipmen. Four surgeons. Nine surgeons' mates.

As the captain to the squadron is at present much wanted to relieve me from the details of duty, which dwell heavily on me, may I ask that his orders to report himself to me may be made out as early as possible? Master Commandant Finch is the officer I should prefer for this duty, and Master Commandant Wilkinson has volunteered for the other service.

I have the honor to be, with great respect, your obedient servant,
(Signed) D. PORTER.

Hon. SECRETARY *of the Navy.*

U. S. SHIP JOHN ADAMS, *January* 6, 1824.

SIR: For your information, I have the honor to state that the frigate Congress is at the Navy yard, and will probably be ready for sea in two or three weeks.

The Hornet is undergoing considerable repairs, and will probably be ready in a month.

The Grampus is coppering, and will be ready in about ten days.

The Spark is ready for sea, and waiting for her commander.

The Weasel will be ready in three or four days; is now getting on board her provisions and other supplies.

I have dispatched the Shark, Fox, and Decoy, and shall send off the others as fast as they are got ready.

I have the honor to be, with great respect, your obedient servant,
(Signed) D. PORTER.

To the Hon. SAM'L L. SOUTHARD, *Secretary of the Navy.*

U. S. SHIP JOHN ADAMS, *January* 9, 1824.

SIR: I have the honor to acknowledge the receipt of your instructions of the 3d inst., enclosing orders for Dr. Haslett to join the United States; but as that ship has sailed, I have retained his orders until I could be informed by you whether it is your intention that he should follow her.

The following list will show the medical men under my command, in the ships and vessels here, with the exception of the Congress, from which ship I have not yet received a return:

The John Adams, Drs. Babbit, Rapalje. The Decoy, Dr. Austin. The Hornet, Dr. Anderson, a supernumerary and passenger; Weems acting. The Shark, Dr. Chase. The Grampus, Dr. Norris.

I have the honor to be, with great respect, your obedient servant,

(Signed) D. PORTER.

Hon. SECRETARY *of the Navy.*

U. S. SHIP JOHN ADAMS, *Norfolk, January* 10, 1824.

SIR: I have the honor to state that, in progressing with the repairs of the frigate Congress, it is found that she must be hove out to have her copper mended, as much of it is off, and it is believed that the worms have injured her bottom. She is found, also, to be very rotten under the counter; and under these circumstances, I am of opinion that it would be best for the public interest not to send her out with the temporary repairs she will require, as they cannot be made in less than two or three months, by which time, or soon after, the Independence can be got ready.

I have therefore given it as my opinion, to Captain Warrington, that whatever is done to the Congress, should be with views to more extensive repairs.

It will be necessary, for her preservation, that the copper should be mended before they are commenced.

I have the honor to be, sir, your obedient servant,

(Signed) D. PORTER.

To the Hon. SAM'L L. SOUTHARD, *Secretary of the Navy.*

U. S. SHIP JOHN ADAMS, *January* 14, 1824.

SIR: In reply to your several letters respecting piracies, I have the honor to inform you that the Spark and Weasel, in company, will sail to-morrow or next day, with full information on the subject, to scour the West Indies, from St. Bartholomews to the bottom of the Gulf of Mexico.

I have the honor to be, your very obedient, &c.,

(Signed) D. PORTER.

Honorable SAM'L L. SOUTHARD, *Secretary of the Navy.*

U. S. SHIP JOHN ADAMS, *Norfolk, January* 14, 1824.

SIR: Having received from you a copy of the instructions given Lieutenant Commander Perry, and those generally given to commanders, respecting the suppression of the slave trade, and perceiving it to be your intention to place the vessels employed for this purpose under my orders, I must beg of you to know whether the operations on the coast of Africa are to commence immediately, as it will, in all cases, be most advisable to let them commence their cruise there before going to the West Indies. I shall be glad to know your wishes on this subject, as one of the vessels under my command will be ready to execute them by the time I can receive your instructions.

I have the honor to be, your obedient servant,

(Signed) D. PORTER.

Hon. SAM'L L. SOUTHARD, *Secretary of the Navy.*

U. S. SHIP JOHN ADAMS, *January* 19, 1824.

SIR: I had the honor to address you, prior to my leaving Washington, on the subject of blockades.

Wishing to support the rights of a neutral, without infringing on those of belligerents, I beg I may be instructed on this head before my departure from this place; and as I am frequently dispatching vessels on service which may bring them in collision with French and Spanish vessels on the coasts of Mexico and the Colombian republic, it is extremely desirable that their commanders should know how to act correctly on the occasion.

The information lately received of a blockading force of French and Spanish vessels having been sent into the Gulf of Mexico, must be my apology for again troubling you.

I have the honor to be, sir, with great respect,

(Signed) D. PORTER.

Hon. SAM'L L. SOUTHARD, *Secretary of the Navy.*

U. S. SHIP JOHN ADAMS, *January* 23, 1824.

SIR: I have the honor to inform you that in consequence of further repairs on the Congress being stopped, and wanting crews for the Grampus and Sea Gull, I have directed those of her crew who had volunteered for a special service for six months to be discharged, as also those whose terms of service

expire on or before the 30th of March. I have directed also that those who have less than seven months to serve may be paid off, provided they will re-enter for two years without receiving any advance.

These men being a heavy expense to the public, without rendering any service whatever, I have thought this course the most advisable, as there is no doubt that by their re-entry all difficulties for the want of men will cease on this station.

I have the honor to be, with great respect, your very obedient servant,
(Signed) D. PORTER.

Hon. S. L. SOUTHARD, *Secretary of the Navy.*

U. S. SHIP JOHN ADAMS, *Norfolk, January* 24, 1824.

SIR: I have the honor to inform you that I shall, in a few days, dispatch the Grampus for the coast of Africa, and thence to the West Indies.

It is probable the Colonization Society may wish to communicate with the colony on the coast, and by informing them of the destination of that vessel the opportunity will be presented.

The following is an extract from Lieutenant Sloat's orders:

"While on the coast you will touch at the American settlement of free colored people; communicate with the agent of the American Colonization Society; ascertain the state and condition of the colony, giving it such aid, assistance and protection as it may stand in need of and be in your power to furnish."

It is my opinion that, with the contemplated addition to my force, I shall be able to send a vessel to the coast of Africa every six weeks, and give complete protection to our commerce in the West Indies and Gulf of Mexico. You are aware, however, that I have but one sloop-of-war fit for service. I cannot think the Hornet will be ready for sea much before spring.

I have the honor to be, with great respect, your obedient humble servant,
(Signed) D. PORTER.

Hon. SAM'L L. SOUTHARD, *Secretary of the Navy.*

U. S. SHIP JOHN ADAMS, *February* 14, 1824.

SIR: I have the honor to inform you that I shall put to sea with [this] ship and the Sea Gull on the 17th. The Grampus will sail about the same time for the coast of Africa. The Hornet is still in the hands of the officers of the yard, and it is uncertain when she will be ready. Enclosed are Captain Cassin's orders for sailing, which I beg you to cause to be delivered to him.

In my route to Thompson's Island I shall touch at the different islands to windward, to obtain information respecting piratical vessels, if any should be out.

It is extremely desirable that I should be in possession of your instructions respecting blockades, as soon as possible.

I have the honor to be, with great respect, your obedient servant,
(Signed) D. PORTER.

The Hon. SECRETARY *of the Navy.*

U. S. STEAM GALLIOT SEA GULL, *Matanzas, May* 4, 1824.

SIR: I have the honor to inform you that I have sent to New York the store-ship Decoy for stores, and the schooner Grayhound for coppering and repairs.

The reduced state of the force under my command, and want of stores, make it necessary that they should return to the station with all expedition.

Application has been made to me to station a force at St. Thomas, for the protection of our commerce in that quarter, and to keep in check the Porto Rico privateers; but until piracy is completely suppressed in this quarter it will not be in my power to comply with the wishes of those interested, unless an augmentation should be made to my forces. I have directed all vessels on their passage to Thompson's Island to touch at St. Bartholomews and St. Thomas, which will obviate in a great degree the necessity of a stationary force, and give confidence to those engaged in commerce at those places.

I beg leave to observe that the medical department of the squadron under my command never has been in a worse condition. I have no medical aid whatever for any of the small vessels. I have only one acting surgeon's mate to attend those stationed on the island and those in the hospital.

I have a surgeon's mate, acting as surgeon, at this place to attend to the sick which may arrive here; one acting surgeon's mate in the Sea Gull; one surgeon's mate and one acting on board the John Adams; and these, with one mate on board the Spark, make the sum total of medical men on the station.

The sickly season is fast approaching. I shall do all in my power to guard against its effects; but should disease rage this year as much as the last, our situation would be truly deplorable.

I have the honor to be, very respectfully, your obedient servant,
(Signed) D. PORTER.

Hon. S. L. SOUTHARD, *Secretary of the Navy.*

WASHINGTON, *July* 20, 1824.

SIR: I beg leave, for your information, to state that by the arrival at this place yesterday of the schooner Ferret, from Thompson's Island, via Nassau, advices are received to the 2d instant, which

describe the health of that place to be unusually good. The sick report accompanies this. All the improvements directed by the commander-in-chief, as regards buildings for public purposes and individual comfort, are progressing in the order contemplated, and their completion to the extent intended may very early be realized.

Plants of various kinds have been introduced from Cuba, and are in a thriving condition. The canals have been deepened so as to admit the sea water into the lagoons near the seat of population. Wild grass in that neighborhood has been destroyed, and the beach cleansed of the drift sea-weed which lodges upon it, subject to decomposition; so that all due care seems to be taken to guard against the recurrence of the malady similar to that which visited it last year. The season has been dry, the winds refreshing and variable, and the range of the thermometer from ninety-five to ninety-eight.

Acting Lieutenant Farragut, commanding the Ferret, reports that while at Nassau, about the 10th instant, one of his crew by the name of James Fredenbourg stated himself to be a deserter from H. B. M. ship Pandora, and that, in consequence, he gave him over to Captain Du Maigne, commanding H. B. M. ship Kangaroo. The grounds on which Lieutenant Farragut acted are, that it was repugnant to our regulations to have a foreigner in the service, and as a requital for a similar act of courtesy on the part of Captain Du Maigne, who had not long before returned to the Wild Cat, Lieutenant Legare, a deserter from one of the West India squadron. As Lieutenant Farragut has been governed in this transaction by a regard to reciprocity, and not constrained thereto by any act of the British officers, I indulge the expectation that you will approve of his proceedings.

Lieutenant Commandant McIntosh, under date of the 2d inst., gives a detailed report of his cruise in the Terrier along the coast of East Florida, from Cape Sable to Carlos Harbor, in search of a reported smuggling or piratical establishment not known before to us precisely, but which he has discovered to be situated on a key called Punta Rosa, bearing N. by W. ½ W. from the northeast end of Langbee Island. The number of inhabitants, Spaniards, are not ascertained with precision, but cannot be many, as there are but five thatched houses on the key, which is under the culture of corn, pumpkins, and melons. They are occupied in fishing, principally, and have licenses from Cuba to trade therewith. They rely upon the protection of our troops at Tampa Bay, regard themselves as belonging to the Territory, and feel secure in their avocation. Lest, however, they might become lawless, Lieutenant McIntosh removed to Thompson's Island two small carriage guns, which were alleged to have been kept to intimidate the Indians, who had committed some outrages on them.

The place is now so particularly identified, that occasional visits from the revenue cutters will effectually guard against the illicit introduction of goods into Florida.

Lieutenant Sloat, commanding the Grampus, reports under date of the 17th instant, from New York, that between the dates of the 4th and 27th of June, he had visited the ports of Campeachy, Alvarado and Tampico, in accordance with orders; that rumors prevailed of a piratical vessel being near Campeachy, for which he made diligent search, fruitlessly.

The schooner Jackal was at Tampico about the 20th, and the schooner John Adams near Vera Cruz on the 21st instant, so that you will perceive all the protection is afforded in the Bay of Mexico contemplated in your letter of the 20th instant.

Lieutenant McIntosh, who superseded, Lieutenant Oellers in command at Thompson's Island, writes under date of the 4th of July, that an American brig was stated to have been captured by a piratical boat near Matanzes and carried into Port Escondido; that he had an accurate description of the boat, and had dispatched a barge, together with the Terrier, to effect her rescue. I am encouraged to hope that his efforts may meet with success.

In addition to the protection already afforded to the commerce of Matanzas, you may calculate on the services of the Wild Cat, which sailed on Saturday last, so that this demand on the Department is answered.

The force at present in the Bay of Mexico, it is hoped, will succeed in taking or driving away the marauders, stated by the papers to infest it; it was desirable to guard against the almost simultaneous return of several vessels of the West India squadron to the United States, and the cruises have been arranged with a view to that object, and the keeping at all times of a sufficient force about Cuba and in the Bay of Mexico.

On the 15th of July, the schooner Fox had sailed from Tampico to New Orleans, so that at every practicable point some of our vessels are seen.

I cannot but congratulate you on the general good health enjoyed by the respective crews. Some symptoms of fever have manifested themselves, and some deaths have occurred; this must be expected; exemption from disease cannot be calculated upon, although I am convinced by reports from the respective officers that every regard is paid to health, cleanliness and comfort.

With respect, I have the honor to be,

W. B. FINCH, *Captain West India Squadron.*

Honorable SAMUEL L. SOUTHARD, *Secretary of the Navy.*

WASHINGTON, *August* 10, 1824.

SIR: I have the honor to enclose you a correspondence between Admiral Sir L. W. Halsted, Knt., commanding her Britannic Majesty's naval forces in the West Indies, and myself, on the subject of a salute; and I take the liberty to suggest that, in order to avoid a repetition of the indignity to which I have been subjected, an order be given that no United States vessel shall salute any British flag officer whatever.

We cannot do it under the existing British naval instructions, as cited by Admiral Halsted, with a knowledge of the fact, without dishonoring our flag. No such rule exists with regard to salutes to British army officers, whatever may be their rank. My salute previously given to the forts at Jamaica, was returned with an equal number of guns.

I have the honor to be, your obedient servant,

(Signed) D. PORTER.

Honorable SAMUEL L. SOUTHARD, *Secretary of the Navy.*

To Admiral Sir Lawrence William Halsted, knight, commanding his Britannic Majesty's naval forces in the West Indies, &c.:

SIR: Having been assured by the officers of this ship, since leaving Jamaica, that the salute to your flag of fifteen guns, fired by my order while there, was only returned by a salute of thirteen guns, I have to request you to inform me if such was the fact, and if so, to ask your reasons for not returning a salute equal to the one fired by me.

The vessel-of-war which bears this will await your answer.

I have the honor to be, with great respect, your obedient servant,

(Signed) D. PORTER,

Commanding U. S. Naval Forces in the West Indies and Gulf of Mexico.

U. S. SHIP JOHN ADAMS, *April* 21, 1824.

HIS BRITANNIC MAJESTY'S SHIP SERAPIS, *in Port Royal Harbor, Jamaica, May* 14, 1824.

SIR: I have received your letter of the 21st of April last, in which you are pleased to request that I would inform you whether 13 guns only were fired by the ship which bore my flag, in return for 15 guns which you had ordered to be fired when you were last at Jamaica.

In answer to which, I beg to inform you that thirteen guns only were returned, and that the British naval instructions do not permit a flag officer to return any salute but in the manner pointed out in the same; namely, to all junior flag officers of every nation, two guns less, and to private captains four guns less. Such is the reason why you had only 13 guns in return for the 15 you were pleased to order.

I have the honor to remain, sir, your most obedient, humble servant,

(Signed) L. W. HALSTED, *Vice-Admiral and Commander-in-Chief of his Britannic Majesty's Naval Forces in the West Indies, &c.*

To Commodore PORTER, *commanding the U. S. Naval Forces in the West Indies and Gulf of Mexico.*

WASHINGTON, *August* 11, 1824.

SIR: Understanding from Captain Finch that you had manifested some dissatisfaction that certain youths, in the squadron under my command, should have been permitted to do the duty and receive the pay of midshipmen, I feel it incumbent on me to make such explanations as are necessary to remove any erroneous impressions on your mind, that this has been done in evasion or violation of any regulation or order issued from the Navy Department. When I took the command of the expedition for the suppression of piracy, there was a scarcity of officers to fill many of the situations in the squadron, which, in fact, was equipped with so much expedition as to prevent the possibility of collecting from distant parts the necessary officers for it, and it became necessary to fill the vacancies by acting appointments which, although understood as intended, were not to take place while the squadron was in the United States, and while there was a prospect of their being filled by the Secretary of the Navy. Among others were acting lieutenants and masters from the passed midshipmen, and surgeons' mates. The acting lieutenants and masters have been continued in their situation by the Department, and the appointment of the surgeons' mates has since been confirmed by you.

It became also necessary to have some youths to do the duty of midshipmen, and as permission had been given to Commodore Stewart to take some boys in his ship on trial, and among the number my son, I, following his example, and compelled by necessity, took on board the vessels of the squadron a few of the most promising and respectable, but gave them no acting appointments, and with the express understanding that my taking them was to give them no claims on the Department, but that if they were found suitable for the service, they were to come in as new applicants, leaving their term of probation to weigh in their favor for as much as the Department might think it worth.

When my command was augmented I increased them, some taken by the express wish of the Secretary of the Navy, and some by that of the President of the United States.

On my own selection I have not taken more than five, and not even those without permission from the Secretary of the Navy, your predecessor. Not one has obtained my permission to embark on board any vessel under my command, to my recollection, since you came into office; and certainly no acting appointment whatever has been made by me in the United States since your general orders of December, 1823, and none of any description whatever out of the United States, except such as was occasioned by unavoidable necessity. As regards midshipmen or persons to do duty as such, I have taken none since, but those who have been ordered to report to me for duty by the Navy Department.

It has been the source of great uneasiness to me that any misunderstanding on this subject should have taken place, but I trust that this explanation will remove from your mind all impression of any wish on my part to frustrate the views of the Department, or take from it any of its patronage. I have been influenced solely by views to the public interest.

I have the honor to be, with great respect, your obedient servant,

(Signed) D. PORTER.

HON. SAMUEL L. SOUTHARD, *Secretary of the Navy.*

WASHINGTON, *August* 11, 1824.

SIR: Understanding it to be the intention of the government to give me a ship suited to my rank in the service, I have ordered the John Adams to proceed to the West Indies, and thence to the Gulf of Mexico for the protection of our commerce, where her services are much wanted.

Should a frigate be selected, I beg leave to state that it will be most agreeable to me that there should be no commander appointed to her, as I should wish the particular and personal command to be vested in myself alone.

I also beg leave to observe that a flag or fleet captain to the squadron may be dispensed with if I can be allowed to select an intelligent lieutenant to relieve me from many of the details of the sqnadron. For the present the services of Captain Finch are necessary to me, but I shall not want him long, and it is his wish to retire from the situation so soon as I can otherwise provide myself.

I shall be glad to be apprised as early as possible of the ship intended for me, that I may give my personal attention to her outfits.

With great respect, your obedient servant,

(Signed) D. PORTER.

Hon. S. L. SOUTHARD, *Secretary of the Navy.*

WASHINGTON, *October* 12, 1824.

SIR: I have the honor to inform you that I have just received very unfavorable accounts of sickness prevailing at Thompson's Island. Three cases of yellow fever, which proved mortal, have been reported, and the sick list contains the names of thirty-one patients, mostly of bilious and intermitting fevers; of this number eleven are convalescent, and seven are reported as very bad cases.

The island is, however, supplied with every comfort in my power to provide for it. There is a good hospital for officers and seamen on the windward side, a floating hospital comfortably fitted up in the harbor, capable of containing the whole population of the island, and an abundant supply of refreshments, hospital stores and medicines.

There are two medical attendants on the island, one of whom, however, is on the sick list; but the arrival of the Hornet must ere this have furnished, if required, an additional number. I know of nothing to ameliorate the condition of those on the island not in the power of the senior officer on the coast of Cuba to furnish; and I do not conceive that any steps are necessary to be taken by me, or any orders beyond what have already been issued for the preservation of health, as from the advanced season of the year, the sickness will undoubtedly subside before they could possibly reach the island. As it will no doubt be satisfactory to you to know how the force under my command is employed at this moment, I enclose you a brief report, with the names of the vessels and their commands.

I have the honor to be, your obedient servant,

(Signed) D. PORTER.

Hon. SAMUEL L. SOUTHARD, *Secretary of the Navy, Washington.*

List of the vessels of the West India squadron, their commanders, and the service at present employed on.

Constellation, frigate, D. Porter, commander, fitting out in New York, expected to be ready for sea early next month.

John Adams, corvette, Captain A. J. Dallas, ready for sea at Philadelphia, now waiting additional orders; destined from thence to St. Bartholomews, St. Thomas, down the coasts of Porto Rico, St. Domingo and Cuba, to Thompson's Island; thence to the Gulf of Florida, to cruise about Tampico, Alvarado, and La Vera Cruz.

Hornet, sloop-of-war, Captain E. P. Kennedy, to South America, by orders from the Navy Department; from thence by my orders to the north coast of Cuba for the protection of our commerce there.

Spark, brig, Lieutenant Commandant J. T. Newton, in quarantine at New York; repairing under orders to proceed from thence to St. Bartholomews, St. Thomas, down the coasts of Porto Rico, and St. Domingo, and Cuba, to Thompson's Island; thence down the coasts of Yucatan and Campeachy, around the Gulf of Mexico, back to Thompson's Island.

Grampus, schooner, Lieutenant Commandant John D. Sloat, stationed at St. Thomas, for the protection of our commerce between St. Barts and the east end of St. Domingo.

Shark, schooner, Lieutenant Commandant John Gallagher, ordered from New York to St. Bartholomews and St. Thomas; thence down the coasts of Porto Rico, and St. Domingo, and Cuba, to Thompson's Island; thence to the coasts of Yucatan and Campeachy, around the Gulf of Mexico, back to Thompson's Island.

Porpoise, schooner, Lieutenant Commandant Charles W. Skinner, sailed for the coast of Africa, under orders from the Navy Department.

Sea Gull, steam galliot, Lieutenant Commandant Isaac McKeever, awaiting orders at New York.

Ferret, schooner, Lieutenant Commandant C. H. Bell, on the north coast of Cuba.

Terrier, Lieutenant Commandant Jott S. Paine, on the north coast of Cuba.

Wild Cat, Lieutenant Commandant Legaré, on the north coast of Cuba.

Weasel, Lieutenant Commandant Boarman, for the protection of our commerce between Tampico and New Orleans.

Beagle, Lieutenant Commandant Charles P. Platt, has sailed for the protection of our commerce between St. Barts and the east end of Cuba.

Decoy, store ship, late Lieutenant Commandant F. B. Gamble, at New York in quarantine; just arrived from Thompson's Island.

Barges Gallinipper, Mosquito, Gnat, Midge, and Diablita, Lieutenant Commandant James M. McIntosh, commanding at Thompson's Island; occasionally cruising on the north coast of Cuba, and in the old Straits of Bahama.

WASHINGTON, *October* 14, 1824.

SIR: I have the honor to enclose you an extract of a letter from Lieutenant Commandant James M. McIntosh, the commander of Thompson's Island, with copies of certain documents respecting a colored man named Francis Hale, and to request of you instructions as to the course to be pursued in relation thereto.

I am also to request some instructions to govern my conduct towards the South American privateers, which sometimes come inside the Florida reef in distress, real or pretended, thereby availing themselves of the facilities which offer, to violate our neutrality and infringe our laws.

I have the honor to be, your obedient servant,

(Signed) D. PORTER.

Hon. S. L. SOUTHARD, *Secretary of the Navy.*

WASHINGTON, *October* 19, 1824.

SIR: I have received by the hands of Lieutenant Aulick your letter of yesterday, stating it as your opinion that your appointment of that officer to discharge the duties of captain of the squadron would be a direct violation of the regulations, and offering to order for that purpose one of the master commandants not employed, if it is my wish to have an officer of that grade to discharge the duty.

The force under my command (by a rigid enforcement of the regulations) not entitling me to an officer of the rank of master commandant to discharge the dutes of captain of the squadron, and yet, more than any other now employed, requiring an officer to assist me in the details of my duties, it would be, in my opinion, as direct a violation of the regulations to order a master commandant as to order a lieutenant; and as an officer of any grade, incompetent to perform the duties, would be more than useless to me, I beg leave to decline having a captain to the squadron under my command.

I have the honor to be, your obedient servant,

(Signed) DAVID PORTER.

Hon. SAMUEL L. SOUTHARD, *Secretary of the Navy, Washington.*

WASHINGTON, *October* 19, 1824.

SIR: I have received your instructions of the 14th, 15th, 16th and 19th instant, with the papers accompanying them, and have sought in them in vain for the motive for your unexpected order of the first date, for me to "proceed as speedily as possible to my station" in the John Adams, instead of the Constellation, as was expected and arranged.

I need not remind you of the repeated argument I have urged, that the pendant of an American commodore should not be exposed to insult by being hoisted on board a sloop-of-war, if a vessel of a more respectable character could be obtained, and of the repeated expression of my aversion to be instrumental in so exposing it.

This would alone be a sufficient motive for begging permission to retire from my present command, as the only means of relieving myself from the responsibility, but I have others of a more personal nature, but of equal weight.

The nature of the service I have been engaged in has been of the most arduous nature, subject to great expense, great exposure and fatigue, and imposing upon me great responsibility; the generous confidence which was extended to me at the outset of my command, which encouraged me to an active and faithful performance of the duties assigned to me, appears of late to have been withdrawn, and orders implying the dissatisfaction of the Department, and at every step calling forth explanations, are almost daily handed to me. The various cases alluded to are of a recent date, and unnecessary to enumerate. I have made frequent application to the Department for instructions to guide me in my conduct toward the cruisers of South America, whose depredations on our commerce have been so frequent. New cases are made known to me unaccompanied by any instructions for my government, thereby leaving me to encounter responsibilities which do not belong to my situation or my profession.

I left the West Indies for my health, and my experience teaches me that it is improper to return at so early a period as the one exacted of me by the Department.

I owe it, therefore, to myself and my family, if not to my country, to avoid a climate which has been so fatal to so many under my command, (and has nearly proved so twice to myself) at a season when disease prevails to such and extent as it does at present.

By the expression of your order of the 14th, it would appear that Thompson's Island is considered my station; my instructions inform me that my command extends from the coast of Africa to the Gulf of Mexico, and that my duties are to protect our commerce throughout this extent and suppress the slave trade. Thompson's Island has heretofore been considered an appendage to my command, not my station, and I have been considered in my place whenever I have been within the limits prescribed to me; to remain stationary at Thompson's Island, to the neglect of the rest of my command, can scarcely be the intention of the Department, and if it were, it can hardly be expected that so great a sacrifice of health and comfort would be made by me, except under greater necessities than at present exist.

We have now at that island and on the coast of Cuba a sloop-of-war, a schooner of twelve guns, two small schooners, and five barges, a force more than necessary to quell all the pirates that ever existed there, if the officers do their duty, and if they do not I shall take care that they shall be brought to punishment.

I feel myself responsible for the employment of the force under my command to the best advantage, for the purposes for which it was equipped, and if any part of my duties are neglected I ask for no lenity from the Department. I cannot, however, in the present state of my command, consent to lead in person every expedition fitted out from it, as is implied that I should by the order alluded to. A general superintendence is all that ought to be expected of me; and had my presence at Thompson's Island been

considered absolutely necessary, no order would have been wanting to make me go, and no danger from climate would have deterred me from hastening there with all possible expedition. It is implied by the orders within alluded to that this disposition on my part does not exist.

Taking, therefore, a full view of the subject, and considering the circumstance of the compensation of a captain not being adequate to the performance of the duties and the responsibilities of an admiral; duties which I have for a long time performed, and responsibilities which I have for as long a time encountered, I have thought it best for the Department and most to my own satisfaction, to ask permission to retire from my present command, and to ask for other service less inglorious, of less responsibility, less expensive, and subjecting me less to the mortifications and vexations which appear inseparable from the one I now hold.

An early reply is requested, and it will afford me pleasure to make such explanations to my successor, whoever he may be, as will prevent any injury to the service from the step I have taken. I beg that it may not be considered that my request proceeds from any disinclination for active service; to the contrary, I desire it, when I better understand the views of the Department, and when more confidence is manifested in mine.

I have the honor to be, your obedient, humble servant,
(Signed) D. PORTER.

Hon. Sam'l L. Southard, *Secretary of the Navy.*

Washington, *October* 20, 1824.

Sir: I have the honor to acknowledge the receipt of your letter of the 14th, enclosing a scrap from a newspaper, to apprise me of the fact that Midshipmen Robert Ritchie, George F. Weaver, and William Green are stated to have sailed from New York in the United States schooner Beagle, the two first as lieutenants and the last as sailingmaster, and remarking that you presume that this must have been without my knowledge, as you know of no authority which could have been given to these midshipmen to sail from the United States in those capacities. Passed Midshipman Ritchie has been doing the duty of lieutenant in the squadron under my command, from the commencement of the expedition against the pirates, and Midshipman Green has also been in one of the small vessels for the same period. Of Midshipman G. F. Weaver I have no knowledge, but I have no doubt Captain Finch can satisfactorily explain the cause of his being there; he was placed on board that vessel during my absence.

As much has been said lately against the practice of giving acting appointments to midshipmen and others, I beg leave to inform you that I have never in any instance given them, except under the most absolute necessity, and never in violation of any known regulation.

When vacancies have occurred in the squadron under my command, and they have been frequent from the reluctance that officers have to exposing themselves in a sickly climate, I have directed the passed midshipmen when there were any, and when none, the oldest and most experienced midshipmen, to do the duty required, but have never given any appointment; thus leaving the Department free to grant or reject the claim for duties performed. They no doubt consider themselves acting lieutenants and masters, but they hold no appointment from me as such.

I cannot prevent the editors of newspapers from giving what title they please to officers, or making what statement they think proper. I can only say that I have never authorized the article or given the midshipmen in question the titles as printed. From the frequency with which I have been addressed by the Department on the subject of acting appointments, I am apprehensive there has been some misunderstanding with regard to me, and have therefore been thus explicit.

For further explanation on this subject, I beg leave to refer you to my letter of the 11th of August last.

I have the honor to be, your obedient servant,
(Signed) D. PORTER.

Hon. Sam'l L. Southard, *Secretary of the Navy.*

Navy Department, *October* 21, 1824.

Sir: Your letter of the 19th instant has created surprise. Looking to the good of the service, every attention has been shown to you which your station required, and which could be dictated by a just estimation of your public service.

The command which was given to you at your earnest request, on the 1st February, 1823, was a highly important one, and your conduct in discharge of its duties satisfactory to the President. The interval since you left that station has been interesting, and it is understood piracy has revived, and is making extensive ravages on our commerce. Communications have been made to you to apprise you fully of this fact. The presence there of an officer of rank and experience is of course necessary. The size of the vessel in which he sails is a matter of small moment, and must depend upon circumstances. You are aware of the intention to send the Constellation to that station as soon as she can conveniently be prepared.

Your return to this place without permission, or apprising the Department of a necessity for it, was unexpected; but no complaint has heretofore been made of your remaining here, because we believed that your health was not perfectly good, and your shoulder lame and painful. But this obstacle has been removed, and had you earlier apprised the Department that you considered this place within the limits of your station, that the command had ceased to be pleasant to you, and that you were apprehensive of the climate, you would have been relieved and a successor appointed.

But having failed to give this information, and the presence of a commander on the station being now indispensable, you will proceed to it. When it is convenient to the Department, your wish to be relieved shall be gratified. Upon a reperusal of your orders, you will find that no intimation is given that Thompson's Island alone is to be considered as the station, and that you are to remain stationary there, nor that you are to lead in person every expedition fitted out from it.

I purposely abstain from comment upon certain matters in your letter. You will hereafter hear from the Department on the subject.

I am, very respectfully, &c., (Signed) SAM'L L. SOUTHARD.

Commodore DAVID PORTER. *Present.*

WASHINGTON, *October* 21, 1824.

SIR: I have the honor to enclose to you copies of communications from Lieut. Commandant McIntosh, accompanied by the latest sick reports from Thompson's Island.

Very respectfully, your obedient servant, (Signed) D. PORTER.

Hon. SAM'L L. SOUTHARD, *Secretary of the Navy, Washington.*

ALLENTON, *Thompson's Island, August* 2, 1824.

SIR: I addressed you on the 29th ultimo, per the Spanish schooner Maria, via Havana. By the schooner Terrier, which goes over to Havana this evening for medical stores, I again have the pleasure of addressing you, and enclosing the sick report of to-day, by which you will perceive there has been no change in our situation for the better. I still continue to be indisposed, but am in hopes in a few days to be perfectly recovered. Acting Lieut. Pinckney has been so much indisposed that the doctor has granted him a sick ticket, and advises his immediate return to a more northern climate for the restoration of his health; he will consequently leave here by the first opportunity.

I am, sir, very respectfully, your obedient servant,

(Signed) JAS. M. McINTOSH, *Lieut. Commandant.*

Commodore DAVID PORTER, *Commander-in-Chief of the U. S. Naval Forces in the West Indies, &c., &c.*

ALLENTON, *Thompson's Island, September* 26, 1824.

SIR: I enclosed you yesterday, by the Fox, Doctor Ticknor's sick report. She sailed early this morning for Washington. The Ferret went to sea yesterday evening with orders to cruise between Havana and Matanzas. The sailing of the sloop Ocean early to-morrow morning for Norfolk affords me the opportunity of enclosing you this day's sick report. You will no doubt notice with much pleasure how much it is lessened, and it is with much gratification I am enabled to inform you that but two more cases at present remain that are considered dangerous. This happy change in our situation must be attributed to the change of weather which we have experienced for a few days past, and if it continues as favorable for a short time I am in hopes the dreadful disease will be entirely removed. We have heard nothing of the Wild Cat, and I think there is no doubt but that she is lost.

I am, sir, very respectfully, your obedient servant,

JAS. M. McINTOSH, *Lieut. Commanding.*

To Commodore DAVID PORTER.

Report of the sick at Thompson's Island, September 26, 1824.

Names.	Rank.	Disease.	Remarks.
F. A. Brown.....	Clerk.....	Bilious remittent....	
Francis Joseph...	Boy	Affection of bowels ..	Convalescent.
Wm. Payton.....	Ordinary seaman.	Intermittent fever ...	Convalescent.
James Murray ...	Marine.....	Bilious remittent....	Convalescent.
Nath'l Soley.....	Seaman.....	Syphilis.....	But little change.
Miles Austin.....	Corp'l marines ..	Bilious remittent....	Convalescent.
Hezekiah Smith..	Seaman.....	Typhoid fever.....	Convalescent.
Wm. Hoglan	Marine.....	Bilious remittent....	A little better than yesterday.
Evan Gamester ..	Serg't of marines	do	Convalescent.
Levi Caywood ...	Carpenter	do	Convalescent.
James Gallagher.	Boy	do	Convalescent.
Thomas Leach ...	Carpenter	Intermittent fever...	Convalescent.
Adam Loyd.....	do	Bilious remittent....	Convalescent.
John Monnett....	do	do	Convalescent.
Alex'r Cornot	Marine.....	Gravel, piles, &c....	
Jacob Taylor	Ordinary seaman.	Bilious remittent....	Convalescent.
Joseph Hammett .	Carpenter	do	Apparently a little better.
Ruel Wilber.....	Blacksmith	Intermittent fever ...	Convalescent.
John Jones	Ordinary seaman.	do	Convalescent.
Henry Rothwell..	do	Bilious remittent....	Convalescent.
Benj. Low.....	Gardener	Intermittent fever ...	Convalescent.
Obed Orr	Carpenter	Bilious remittent....	Had a paroxysm of fever this morning.
DIED.			
Jacob Haines....	.....	....	
James Bryan	.....	.....	Total.....22

Respectfully, (Signed) B. TICKNOR, *Surgeon.*

To JAMES MCINTOSH, Esq., *commanding Thompson's Island.*

ALLENTON, *Thompson's Island, September* 29, 1824.

SIR: The sloop Ocean has been detained in consequence of bad weather, but she is now weighing, and I take advantage of her sailing to forward for your information the sick report of yesterday. The weather for the last twenty-four hours was very unfavorable, in consequence of which the doctor apprehends an increase to his list. We have not a single carpenter fit for duty, and I am fearful we will not for some time, for as soon as they convalesce from yellow fever they are attacked with fevers and agues, and it appears utterly impossible for a man to recruit his health on this island, after having been seriously sick.

I am, very respectfully, sir, your obedient servant,
(Signed) JAS. M. McINTOSH, *Lieut. Commanding.*

To Commodore DAVID PORTER.

Report of the sick at Thompson's Island, September 28, 1824.

Names.	Rank.	Disease.	Remarks.
F. A. Brown.....	Clerk	Bilious remittent....	
Francis Joseph ..	Boy	Debility.....	Convalescent.
James Murray ...	Marine	Bilious remittent	Convalescent.
Nathaniel Soley..	Seaman	Dysentery.....	Has relapsed in consequence of excess in eating.
Miles Austin.....	Corp'l marines..	Bilious remittent....	Convalescent.
Hezekiah Smith..	Seaman	Typh. fever	Convalescent.
Wm. Hoglen.....	Marine	Bilious remittent....	Not quite as well as yesterday.
Evan Gamester ..	Sergeant marines	do	Convalescent.
Levi Caywood ...	Carpenter	do	Convalescent.
Obed Orr	do	do	Had a paroxysm this morning.
Adam Loyd	do	do	Convalescent.
John Monnett....	do	do	Convalescent.
Alexander Cornot	Marine.....	Gravel, piles, &c. ...	
John Jones.....	Ordinary seaman	Intermittent fever...	Convalescent.
Henry Rothwell..	do	do ...	Worse than yesterday.
Benjamin Low ...	Gardener	do ...	Convalescent.
Lewis Shore.....	Ordinary seaman	do ...	Convalescent.
Ruel Wilber.....	Blacksmith	do ...	Convalescent.
ADMITTED.			
Wm. Stout	Corp'l marines..	Bilious remittant....	
George Beard....	Seaman.....	Wound	Of the foot.
Daniel Cleiss	Blacksmith	Intermittent fever...	
Koin Barrett	Ordinary seaman	do ...	
Henry White	Marine	Fever.....	
Almon Johns	do	Fever.....	
DISCHARGED.			
James Gallagher.	.....	.....	
DIED.			
Joseph Hammett .	.....	.....	
Total—24.			

Respectfully,

B. TICKNOR, *Surgeon.*

To JAMES McINTOSH, Esq., *commanding Thompson's Island.*

WASHINGTON, *October* 22, 1824.

SIR: I have the honor to enclose instructions for the officer who may have the Constellation in charge, to take to the West Indies.

I have the honor to be, very respectfully, your obedient servant,
(Signed) D. PORTER.

Hon. SAM'L L. SOUTHARD, *Secretary of the Navy.*

The general instructions referred to in the enclosed orders to the commander of the Constellation will be furnished as soon as a copy can be made.

WASHINGTON, *October* 22, 1824.

SIR: When the United States frigate Constellation shall be in every respect ready for sea, you will proceed to touch at St. Bartholomew's and St. Thomas for further orders. Should you receive none at either of those places, you will proceed down the south sides of Porto Rico, St. Domingo, and Cuba, around Cape Antonio to Thompson's Island.

The accompanying general instructions will guide you as to the course to be pursued in any case which may occur during your voyage, wherein they can be applied. On your arrival off the reef at Thompson's Island, you will fire a gun, and make a signal for a pilot. I have great confidence in the knowledge and judgment of Mr. Boughan, as regards the pilotage of the ship into the harbor; but, as she is of a class larger than any that have yet been there, and of greater draft of water, I shall wish some person on board to point out the buoys which I intend to have placed—one on the point of the shoal extending from the Dry Rocks, on the lee side of the entrance, through the reef; one on the windward side, near the shoal to leeward of Loo Keys; one on the shoal off Whitehead's Point; and one on the extremity of the shoal which forms the entrance to the inner harbor.

Should any circumstances occur to prevent my arrival at Thompson's Island before the arrival of the Constellation, you will exercise your sound discretion in taking the ship over the reef, trusting nothing to accident or chance when prudence or forethought can guard against evil. Under any circumstances, you will send in one of your boats ahead of the ship, and cause the soundings to be indicated by signal. Should you not receive further instructions, you will anchor about half way between Whitehead's Point and the town, or so as to be well under shelter of the Point, in about six fathoms water. Mr. Boughan is well acquainted with the marks for running in.

Very respectfully, your obedient servant,

D. PORTER.

The COMMANDER *of the U. S. Frigate Constellation.*

WASHINGTON, *October* 22, 1824.

SIR: I have received your letter of yesterday, and shall proceed to sea, in the John Adams, with the least possible delay. The ship will be at New Castle by the time I reach there. I enclose orders for the officer who may take out the Constellation.

There are two points in your letter which, in justice to myself, I am bound to notice. First, the charge of returning to this place without permission, or apprising the Department; and, secondly, considering this place within the limits of my command. To the first, I beg leave to observe that when the malady of 1823, which caused the destruction of so many valuable lives, had gotten to such a height as to render flight from a tropical climate necessary, I ordered the squadron to repair to Norfolk, and this measure met the approbation of the government and of the country at large. Conduct that was approved of in the one instance, I naturally concluded would be approved of under similar circumstances again; and, on the appearance of the yellow fever this year, I gave similar orders, with the hope that, by so doing, I should meet your views, and should not have dared to encounter the responsibility of not ordering the squadron home.

It is true that, some time after I reached the United States, in the fall of 1822, I did receive your written permission of August 10th to return home, and your discretionary instructions of September 30th, but I had stronger reasons than permission or the exercise of my own judgment. I had what I considered positive orders on the subject from the honorable Smith Thompson, who, in his instructions of February 1st, 1823, states as follows: "You will be particularly watchful to preserve the health of the officers and crews under your command, and to guard in every possible manner against the unhealthiness of the climate; not permitting any intercourse with the shore where the yellow fever prevails, except in cases of absolute necessity."

You will perceive I am ordered to guard in every possible manner against the unhealthiness of the climate; not permitting any intercourse with the shore where the yellow fever prevails. The yellow fever prevailed at Matanzas and Havana, and it was reasonable to believe that Thompson's Island would not be exempt from it. Many began to sink under the debilitating effects of the climate, myself among the number; and I conceived I was acting in furtherance of the views of the Department in coming home myself, and ordering the squadron home before disease got to any head in it. By my so doing, many lives have not been lost; but had you even before intimated to me that my doing so had not met the approbation of the government, an idea that never occurred to me, never doubting that I was acting in full accordance with its views, I should have instantly left Washington on my return at all hazards; but this information has been withheld from me until the present moment, which makes me the more sensitive to the charge. I trust, however, this explanation will convince you I have had no disposition to run counter to any wish of the Department or to any rule of service.

To the second charge, I have only to remark that I know of no expression or conduct of mine that could lead to the belief that I entertained the idea that this place was within the limits of my station, and, much less, have I apprised the Department that I so considered it.

My presence here I do conceive is occasionally necessary, that I may thereby become fully acquainted with the views of the government in everything relating to my command; and it is also necessary that the vessels under my command should visit some of our northern establishments, for the purpose of obtaining the necessary repairs, and the time most proper for them to do so is during the hurricane months and sickly season, when our commerce least requires protection, as the crops are not ready for delivery, and when it can be done with least injury to the service, and most benefit to the officers and crews. From the month of July to the month of November, I consider it unsafe for them to remain within the tropics; those who have remained longer or have gone earlier there, have suffered more or less from climate, and it is feared that one has been lost. The French ships in the West Indies have for many years been in the practice of coming to the north during these months, and the British ships either go to England about this time, or to Bermuda or Halifax. All experience teaches me the necessity and propriety of the measure, and having adopted it, it became necessary that I should be with the vessels of the squadron; wherever they are, there my duties lay, and when they are in the United States, there is no place so convenient for me to attend to their wants as at Washington, and it is very certain,

as I hope you will do me the justice to allow, that they have not been neglected, nor has my time been misspent whenever my health has allowed me to attend to the duties assigned to me. My station, as I have before stated, is from the coast of Africa to the Gulf of Mexico, and includes, according to my orders, the West Indies, and the vessels surveying on the coast of Florida.

I must now, sir, beg leave to ask of you instructions to guide me in future as regards the disposition of the squadron during the sickly months: whether they are to remain on the station or return to the United States; whether I am to be with the squadron or remain within the tropics; and if they are to return, the precise time of their return.

If it is the determination of the Department that the commanding officer of the squadron shall remain within the limits of the station during the sickly season, I hope it may suit the convenience of the Department to have me relieved from my command by the middle of June next, as no consideration connected with my present duties would induce me willingly to remain after that period.

I have the honor to be, very respectfully, your obedient servant,
(Signed) D. PORTER.

Hon. SAMUEL L. SOUTHARD, *Secretary of the Navy, Washington.*

NEW CASTLE, *October* 26, 1824.

SIR: In my letter to you of the 19th October, I omitted to say that I did notify the Department of my intention of removing the squadron to the north, as you will perceive by the enclosed copy of a letter of the 28th May, the original of which was sent to you from Matanzas, and, intending to remove the squadron, it was very natural to infer that I intended removing with it. For the cause of the necessity of removing it, I am not answerable.

I have the honor to be, your very obedient servant,
(Signed) D. PORTER.

Honorable SAMUEL L. SOUTHARD, *Secretary of the Navy.*

U. S. SHIP JOHN ADAMS, *Thompson's Island, January* 1, 1825.

SIR: I have the honor to enclose you this day's sick report. I am sorry to say that the sick on the island have more than doubled since my arrival, and that several deaths have occurred. Doctors Ticknor and Weems are so low, that I have permitted them to leave the island. I have no hopes that Lieutenant Stallings will recover. From the feeble condition of every person on the island, who has remained during the last sickly season, there is scarcely a possibility that they could survive another.

With great respect, your obedient servant,
(Signed) D. PORTER.

Honorable SAMUEL L. SOUTHARD, *Secretary of the Navy.*

Report of sick at Thompson's Island, January 1, 1825.

Names.	Rank.	Disease.	Remarks.
G. Weems	Surgeon's mate	Intermittent	Severe paroxysm yesterday.
Otho Stallings	Lieutenant	Bilious remittent	No material change.
B. Tickner	Surgeon	Intermittent	Paroxysms continue to return.
P. Friery	Ordinary seaman	Hepatitis	Continues feeble.
J. Calhoun	do	Intermittent	Paroxysms continue to return.
Jacob Taylor	do	Jaundice	Convalescent.
John Bridges	Master-at-arms	Rheumatism	Improving.
Charles Holtz	Corp'l of marines	Fever	Relapse.
J. Cardif	Seaman	Intermittent	Better.
J. Harris	do	do	Paroxysm yesterday.
J. Rice	Ordinary seaman	do	Paroxysm this morning.
Wm. Ross	Seaman	Fistula in ano	Requires an operation.
J. Spaulding	Carpenter's mate	Intermittent	Better.
J. Makenzie	Marine	do	Much gastric disorder.
J. McCawley	Lieut. marines	Bilious remittent	Convalescent.
J. H. Little	Acting S. M.	do	Better—free from fever yesterday.
J. K. Valette	Acting Lieut.	Intermittent	Had a slight paroxysm last evening.
Levi Caywood	Carpenter	Bilious remittent	The same as yesterday.
M. Manamy	Marine	Intermittent	Convalescent.
—— Gray	Boy	do	Not so well to-day.
John Dunlap	Ordinary seaman	do	Better this morning.
S. Bills	Master-at-arms	do	Better this morning.
—— McCun	Serg't marines	do	Better this morning.
—— Rice	Corp'l marines	Remittent fever	Something better this morning.
DISCHARGED.			
—— Gedley	Marine	Dysentery	
Total—24.			

Respectfully, (Signed) S. RAPALJE, *S. Mate.*

To Commodore DAVID PORTER, *commanding West India Squadron, &c.*

U. S. Steam Galliot Sea Gull, *Matanzas, January* 17, 1825.

Sir: I have the honor to inform you that I arrived here last evening in the Sea Gull, from Thompson's Island, examining, in my way, the keys to windward of Siguappa Bay, &c., but without success. I shall sail again this afternoon with the two barges Gallinipper and Diablito, with the intention of scouring the north coast of Cuba, as far to leeward as Cape Antonio, and shall endeavor to be back to Thompson's Island in time to meet the officer who, I understand, has been ordered out to relieve me.

I sent you the particulars of the murder of the crew of the brig Betsey, of Wiscasset, as given by the mate. One other of the crew who escaped, and now on board this vessel, corroborates the statement.

Lieutenant Bell, in the Beagle, accompanied by a barge, is now to windward in pursuit of the pirates; the mate of the Betsey is with him; can point out the establishment and identify the men; I have strong hopes of bringing them to punishment; I have the other man on board this vessel, and should we fall in with them to leeward, they will, no doubt, be known to him; I shall endeavor to keep them both in the squadron so long as there is a hope of the detection of the murderers.

The force under my command is so reduced and scattered, that I find it difficult to afford as much protection as I could wish to our commerce, but I shall endeavor to employ it to the best advantage. To fit out the expedition, I have been compelled to lay up the John Adams.

I have the honor to be, very respectfully, your obedient servant,

(Signed) D. PORTER.

Honorable Samuel L. Southard, *Secretary of the Navy, Washington.*

On the 7th instant, Daniel Collins came on board this vessel, in the harbor of Matanzas, and stated as follows:

That he sailed from Wiscasset as second mate of the American brig Betsey, Captain Ellis Hilton, bound to Matanzas, on or about the 25th of November. That the brig was cast away on one of the Double Headed Shot Keys, about the 21st of December, when the officers and crew, seven in number, took the long boat and steered for the Island of Cuba, and the next day made one of the keys about twenty leagues to windward, at which place they found two fishing huts and five men, with whom the captain made an agreement to be brought with himself and crew to Matanzas. The night previous to their intended departure, which was two days after their landing, one of the fishermen was absent during the whole night; when they were on the point of shoving off, they were boarded and taken possession of by a boat having ten men on board, armed with muskets, blunderbusses and cutlasses, which the fishermen told them, when first seen, was the King's launch, who soon after tied the captain and crew of the Betsey, put them into the perogues of the fishermen, and taking them into a little lagoon about half a mile from the huts, where they left their boat, taking with them no other arms than cutlasses. They then deliberately commenced indiscriminate murder, by cutting off the head of Captain Hilton, which seemed to be the signal for dispatching the others; the informant was knocked overboard by a blow, and finding that he had broken the cord with which he was tied, ran through the water (about knee deep,) and swamps, followed by two of the murderers, but fortunately effected his escape after witnessing the murder of all his comrades with the exception of one, who had also broken his cord and was trying to escape, but presumes that he was overtaken, being very closely pursued by two or three. The informant on the sixth day got to an estate called Santa Clara, on the Rio Palma, where he received some nourishment and rest, and continued his route to Matanzas, where he arrived last evening, presented himself to Capt. Holmes of the American ship Shamrock, belonging to the same owner, (Mr. A. Wood, of Wiscasset.) Captain H. immediately recognized him, and says that he is a sober, honest and upright man.

(Signed) J. McKEEVER.

U. S. Steam Galliot Sea Gull, *Matanzas, January* 7, 1825.

U. S. Steam Galliot Sea Gull, *Havana, January* 24, 1825.

Sir: By the public prints containing your communication to the President, and his message to Congress, respecting the Foxardo affair, I perceive that orders have been issued for my return to the United States without unnecessary delay. I shall, therefore, proceed in this vessel with all dispatch to Thompson's Island, where I hope to meet on my arrival the orders alluded to.

I have sent the two barges down inside the Colorados reef on a cruise of from fifteen to twenty days.

I have the honor to be, your obedient servant,

(Signed) D. PORTER.

Hon. Sam'l L. Southard, *Secretary of the Navy, Washington.*

Washington, *March* 6, 1825.

Sir: I have the honor to transmit to you a number of original letters and depositions respecting transactions at Foxardo, and the piratical character of the place.

I have the honor to be, your obedient servant,

(Signed) D. PORTER.

Hon. Sam'l L. Southard, *Secretary of the Navy.*

Note.—This letter refers to certain papers which were sent on the 6th May by Commodore Porter to the Department, and on the following day sent by the Department to the court of inquiry, and by the court rejected as incompetent evidence, and returned. A part of them will be found in the proceedings of

the court of inquiry, and the rest in page 74 of Commodore Porter's pamphlet, which is contained in the printed volume of his trial. The names of the writers of some of those in the pamphlet are omitted. The reason for the omission was probably that they were of a confidential nature, and the same reason now operates to prevent their being sent to Congress.

WASHINGTON, *March* 16, 1825.

SIR: It is now sixteen days since I had the honor to report to you my arrival here, in obedience to your orders of 27th December, and I have anxiously, since, awaited your further instructions.

I am aware, sir, of the interruptions the recent changes in government, and other circumstances, have occasioned to the transaction of public business; and however irksome and uncertain may be my present situation, and whatever anxiety I may feel on the occasion, it is not my wish to press on the Department my own affairs, in preference to those of more importance. I cannot, however, help requesting that there may be as little delay in the investigation of my conduct, both as regards the affair of Foxardo and the statements of Mr. Randall and Mountain, as is consistent with the public interests.

The state of ignorance and uncertainty in which I have been kept, as to the intentions of the government, and the desire of vindicating myself to the government and the public, and relieving myself from a species of suspension and supposed condemnation, must be my appology for now troubling you.

Officers continue to make to me their reports, and request of me orders; not knowing whether the Department still consider me in command of the West India squadron, I have been at a loss how to act. Will you be pleased to instruct me on the subject?

I have the honor to be, with great respect, your obedient servant,
(Signed) D. PORTER.

Honorable SAM'L L. SOUTHARD.

WASHINGTON, *March* 19, 1825.

SIR: I have to ask of you that Mr. Thomas Randall may be notified of the intention of the Department to grant my request, that a court of inquiry be instituted to ascertain the truth of his statement, affecting myself and others, that he may be prepared, on the meeting of the court, to substantiate his charges against us, and to establish the truth of his reports to the State Department on the subject of piracies, &c.

I have the honor to be, your obedient servant,
(Signed) D. PORTER.

Hon. SAM'L L. SOUTHARD.

WASHINGTON, *March* 22, 1825.

SIR: I have the honor to acknowledge the receipt of your letter of yesterday, which informs me that you are requested by Commodore Porter to apprise me that a court of inquiry will be held in a few days, one object of which will be to investigate his conduct in relation to the carrying of specie and neglect of his duties in the suppression of piracy.

Doubtless Commodore Porter, in requesting, and you, sir, in making this formal annunciation to me, of a fact which had already been published to the world, considered the notice of some special import to me, and designed that it should produce a correspondent effect upon my conduct; but as your letter does not state the relation in which I am considered as standing, either to Commodore Porter or the court, nor prescribe any course to be pursued by me, I am at a loss to know the object it was designed to produce. I have therefore to request that you will be pleased to state how I am particularly interested in the fact you announce, and the effect your letter was designed to produce upon my conduct, in reference to the approaching investigation.

I have the honor to be, very respectfully, sir, your most obedient servant,
(Signed) THOMAS RANDALL.

SAM'L L. SOUTHARD, Esq., *Secretary of the Navy.*

WASHINGTON, *March* 24, 1825.

SIR: I have to acknowledge the receipt of your letter of the 23d, enclosing a copy of one from Mr. Thomas Randall, requesting to be informed how he is particularly interested in the court to be held on my account, in relation to charges exhibited by him against me and others, and the effect the information communicated to him was designed to have on his conduct. A copy of my letter of the 19th will place him in possession of the information required.

I have the honor to be, your obedient servant, D. PORTER.

Honorable SAM'L L. SOUTHARD.

WASHINGTON, *March* 25, 1825.

SIR: Having an engagement at Norfolk of a private nature, requiring my attention there on the 29th of this month, and which will keep me away until the steamboat returns, I beg leave to ask of you

whether the meeting of the court, or any other circumstance, will require my presence here until the 2d or 3d of April?

As the steamboat will leave here on Sunday, an early answer is solicited.

With great respect, I have the honor to be, your obedient servant,

(Signed) D. PORTER.

Hon. S. L. SOUTHARD, *Secretary of the Navy.*

WASHINGTON, *May* 10, 1825.

SIR: I have the honor to acknowledge the receipt of your letter of the 7th, informing me of the reception of mine, dated March 6th, &c., which should have been dated May 6th, the day on which it was written; the mistake originated with the clerk.

I have the honor to be, with great respect, your obedient servant,

(Signed) D. PORTER.

Honorable S. L. SOUTHARD, *Secretary of the Navy.*

WASHINGTON, *May* 30, 1825.

SIR: Late on Saturday night (the 28th) I received from your messenger your communication of that date, informing me that the court of inquiry had closed its examination into the matters submitted to it, and made report to the Department; also apprising me of the intentions of the Executive with regard to me. Ignorant as I am of the report of the court, I can form no idea of the nature of the charges intended to be preferred against me, the motives of the Executive, or the object of the notification; I have the honor, therefore, to ask of you the necessary information to enable me to prepare for my defence.

With great respect, your very obedient servant,

(Signed) D. PORTER.

Hon. SAM'L L. SOUTHARD, *Secretary of the Navy.*

19TH CONGRESS.] No. 305. [1ST SESSION.

ON THE CLAIM OF ERASTUS LOOMIS FOR A NAVAL PENSION.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 23, 1826.

Mr. STORRS, from the Committee on Naval Affairs, to whom was referred the petition of Erastus Loomis, respectfully reported:

That they have considered the subjects referred to them, and find that the petitioner was a volunteer on board one of the armed vessels of the United States, at the battle of Lake Champlain, in the year 1814; that he was wounded in the said action, though he shortly after recovered from the said wound, and his gallantry in the said action is highly spoken of by his superior officers. He alleges, in his petition, that by a disease consequent upon the said wound and produced by it, he is disabled, and prays that a pension may be granted to him. The committee are of opinion, from a careful examination of the papers, that it is not satisfactorily shown that the disorder of which the petitioner complains was the consequence of the said wound, and they recommend to the House the following resolution:

Resolved, That the petitioner have leave to withdraw his petition.

19TH CONGRESS.] No. 306. [1ST SESSION.

IN RELATION TO THE PAY AND EMOLUMENTS OF THE PAYMASTER AND QUARTERMASTER OF THE MARINE CORPS IN 1824–'25.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 25, 1826.

To the House of Representatives of the United States:

In compliance with a resolution of the House, of the 14th ultimo, requesting statements of the amount of compensation allowed to the paymaster and quartermaster of the marine corps for the two years preceeding the 1st of January, 1826, and of other particulars relating to the same corps, I communicate a report from the Secretary of the Navy, with documents containing the information desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, *March* 24, 1826.

NAVY DEPARTMENT, *March* 23, 1826.

The President of the United States:

The Secretary of the Navy, to whom was referred the resolution of the House of Representatives of the 14th ultimo, has the honor to transmit a copy of a letter from the Fourth Auditor of the Treasury, with a "statement showing the full amount of compensation which has been allowed to the paymaster and quartermaster of the marine corps for the two years preceding the 1st of January, 1826;" also, a copy of a letter from Lieutenant Colonel Archibald Henderson, commandant of the marine corps, with a statement of "the number and rank of the officers of the marine corps who have been allowed pay and emoluments according to their brevet rank during the two last years, ending on the 1st of January, 1826, designating the stat ons at which each was employed, and the number of marines at each station."

All which have been prepared in compliance with the aforesaid resolution, and are respectfully submitted.

SAM'L L. SOUTHARD.

FOURTH AUDITOR'S OFFICE, *March* 17, 1826.

SIR: I have the honor to enclose a statement showing the amount of pay and emoluments received by the paymaster and quartermaster of the marine corps for the two years preceding the 1st January, 1826, and to submit, in compliance with your request, the principles which have governed this office in the allowances made to them.

The act for establishing and organizing the marine corps rendered them subject, while doing duty on shore, to the rules and regulations for the government of the army. This act has been uniformly construed to entitle them to the benefits of all laws regulating the emoluments of officers of the same rank and capacity in the army. Thus the law of 1816, "for organizing the general staff and making further provision for the army of the United States," which, in its 12th section, provides "that one additional ration be allowed to all subaltern officers of the army, was construed, by my predecessor, (and his construction was confirmed by the Comptroller and the higher officers of government having cognizance of it,) to extend to subalterns of the marine corps; and one additional ration was accordingly allowed, and has continued ever since to be allowed and paid to the subalterns of the marine corps. But though the act of 1816 was thus construed as applicable to the marine corps by my predecessor, and under that construction he did actually allow and pay one additional ration to *second* lieutenants of that corps, he withheld it from the *first* lieutenants, though the latter were equally entitled, as *subalterns*, to receive it. The claim of the first lieutenants, being thus supported by a construction of the law, which had been acquiesced in and sanctioned by the proper law officer of the Treasury, was considered by me as just and equitable, and was accordingly allowed. The subsequent appropriation by Congress, after explanations had been given upon the call of the Committee of Ways and Means, of an amount sufficient to cover this allowance, was regarded as still further evidence of the propriety of the construction which applied the benefit of the law of 1816 to the officers of the marine corps. It was by virtue of this application of laws regulating the army, to officers performing similar duties in the marine corps, that the present paymaster of the corps was required by the Secretary of the Navy to give bonds to the United States in the sum of $25,000 for the faithful discharge of his duties. Former paymasters had not been required to give bonds, or being required had failed to do so, there being no authority of law to enforce compliance; and the loss to the United States, in consequence, has been considerable and irremediable. The duties of the paymaster of marines are precisely of the same nature with those of the district paymasters of the army; but they are of much greater extent, consequently more laborious, and are attended with a much higher degree of responsibility. The law being applied to him, then, so far as to require of him approved securities for the correct performance of his trust, it seemed to follow, as a necessary consequence, that it should be applied to him in its benefits; and, accordingly, in the settlement of his accounts at this office, the same allowances have been made to him as are made to district paymasters in the army. The estimates upon which the appropriations for the marine corps have been founded, have embraced these allowances. The allowance to him of quarters has been founded upon the specified regulations of the Secretary of the Navy with regard to staff officers of the marine corps.

The pay, rations, servants, and fuel, allowed to the quartermaster of the corps, are in conformity with the allowances, by law, to officers of his rank in the line. In addition to his duties as quartermaster of the corps, he has acted as commissary of provisions and superintendent of the armory; for which extra services specific allowances have been made to him by the Secretary of the Navy.

Brevet Lieutenant Colonel Richard Smith is the only officer of the marine corps who has received pay and emoluments according to his brevet rank. This allowance has been made to him on the ground of his commanding a *separate station*, in conformity with the 3d section of the act of the 16th April, 1824.

I have the honor to be, sir, very respectfully, your obedient servant,

T. WATKINS.

Hon. SECRETARY *of the Navy.*

HEAD-QUARTERS OF THE MARINE CORPS, *Washington, February* 17, 1826.

SIR: The enclosed papers show the number of marine officers who have received pay agreeably to their brevet rank, and the number of men under their command while in receipt of their brevet pay. The New York station is the only one for which this pay has been allowed during the period stated in the resolution of the House of Representatives. The number of marines on that station is given during each month for which brevet pay has been allowed.

I have the honor to be, very respectfully, your obedient servant,

ARCH'D HENDERSON, *Lt. Col. Commandant.*

Hon. SAMUEL L. SOUTHARD, *Secretary of the Navy.*

HEAD-QUARTERS OF MARINES, *Paymaster's Office, Washington, February* 17, 1826.

SIR: In answer to the information required in relation to the amount paid to the officers of the marine corps who hold brevet rank, I have the honor to state that brevet Lt. Col. Richard Smith has received the pay of such brevet from the 3d March, 1825, to 31st December, 1825. No other officer in the corps holding brevet rank has received the pay and emoluments of such brevet, for the time specified by the resolution of the Congress of the United States.

I am, respectfully, sir, your obedient servant,

JOS. L. KUHN, *Paymaster Marine Corps.*

Col. A. HENDERSON, *Commandant of U. S. Marine Corps, Washington.*

New York.

Months.	Captains.	1st Lieuts.	2d Lieuts.	Sergeants.	Corporals.	Music.	Privates.	Aggregate.
1825.								
March	1	1	1	7	4	5	60	79
April	1	1	2	5	3	5	47	64
May	1	1	2	5	5	4	46	64
June	1	1	2	5	4	3	52	68
July	1	1	2	6	4	2	56	72
August	1	2	2	10	6	2	70	93
September	1	2	2	7	7	1	65	85
October	1	3	2	7	4	4	72	93
November	1	3	1	5	4	3	70	87
December	1	3	1	7	9	3	68	92
1826.								
January	1	3	1	4	6	1	37	53

The above statement shows the whole number of officers, non-commissioned officers, music, and privates, who were under the command of Brevet Lieutenant Colonel Smith, in the months specified.

PARKE G. HOWLE, *Adjutant and Inspector.*

HEAD-QUARTERS OF THE MARINE CORPS,
Adjutant and Inspector's Office, Washington, February 17, 1826.

Statement showing the amount of pay and emoluments received by the paymaster and the quartermaster of the marine corps, for the two years preceding the 1st *of January,* 1826.

Names.	Rank.	Amount received for pay.	Amount received for rations.	Amount received for servants.	Amount received for fuel.	Amount received for quarters.	Amount received for forage.	Amount received as extra pay.	Amount received for superintending the armory.	Amount received as commissary of provisions.	Total.
Capt. Jos. L. Kuhn ..	Paymaster	$1,200 00	$584 00	$712 32	$408 00	$500 00	$576 00	.....	.....	.....	$3,980 32
Lieut. Elijah J. Weed	Quarterm'r	720 00	584 00	356 16	192 00	500 00	.....	$720 00	$300 00	$720 00	4,092 16

T. WATKINS.

TREASURY DEPARTMENT, *Fourth Auditor's Office, March* 10, 1826.

19TH CONGRESS.] No. 307. [1ST SESSION.

ON THE CONSTRUCTION OF DOCKS FOR THE PRESERVATION AND REPAIR OF UNITED STATES VESSELS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 31, 1826.

NAVY DEPARTMENT, *March* 30, 1826.

SIR: In answer to the resolution of the House of Representatives, of the 18th inst., the Secretary of the Navy has the honor to submit copy of a report from this Department, dated January 3, 1825, prepared

in compliance with a resolution of the Senate, which contains his opinion upon the subject; also, copy of a letter from the Commissioners of the Navy, dated February 17, 1826.

An examination of these papers, it is believed, will justify the answer to the resolution, that "docks have become absolutely necessary for the preservation, repairs, and prompt and speedy use of the vessels belonging to the navy," and that " whenever repairs are necessary they are preferable, in every point of view, to the present mode, and the most economical that can be adopted." Although it is difficult to make accurate calculations upon the subject, yet no hesitation is felt in expressing the opinion that more public money has been lost for the want of docks, than would be sufficient to erect one at each of our principal building and repairing establishments. And as we add to the number and size of our vessels, the loss will be proportionably increased.

Respectfully submitted.

SAMUEL L. SOUTHARD.

The SPEAKER *of the House of Representatives.*

Accommodation wharves.

In no part of the expense of erecting extensive works is so little attention paid to economy as in providing accommodation for facilitating the delivery, preparing and moving the heavy and cumbrous materials to be used. The loss of time and labor, for want of convenient arrangements in these respects, is very great; and as it is generally imperceptible and incapable of being estimated on a large scale, it is too often overlooked by builders. To provide for these advantages, I propose covering the coffer dam with a bridge, and it makes part of the estimate under this head. In addition to this, a temporary wharf should be built on the outside, and connected with the coffer dam. Perhaps a permanent wharf may be expedient on the east side—the entrance of the dock, opposite the present ship wharf, seen in drawing No. 3. The new wharf would afterwards be joined and made level with the filling or banking on the east side of the dock.

Shops, sheds, machinery, &c.

Although the nature of the contemplated work does not require much work within shops, still a blacksmith's and a carpenter's shop, lime sheds, &c., will be wanted, and they should be erected as near the works as possible. They will, of course, be of a temporary kind, and are calculated accordingly. The expenditure for machinery, such as cranes, trucks, wagons, with other mechanical apparatus, and the scaffolds, troughs, and facilities for draining, cannot be precisely calculated. Under this item I have endeavored to fix a sum nearly correct.

Cement.

I have added Roman cement to the estimate, because there is, perhaps, no substance so perfect in its kind, or so certain and durable. Other cements are employed, but this is preferable to any I have seen used in this country. It would be worth the experiment, should the dock be undertaken, to try a new hydraulic cement, lately invented by Mr. Casius, of Utrecht. The great double locks, &c., on the North Holland canal, between the Helder and Amsterdam, have been built about four years, and the bricks are laid in this cement. It appeared almost as hard as the bricks themselves when I saw them last year. The patentee gave me some specimens, and informed me that it was made cheaper than any hitherto in use. It is made from the peculiar kind of earth or clay taken up from under the water of the Y, at Amsterdam. It is made into balls, burned in a furnace like lime, and then pulverized.

Removing coffer dam and deepening the channel to the dock.

From the position of the dock it will be perceived, by inspecting the profiles, that an additional depth, under and outside the coffer dam, must be obtained by dredging, &c., so as to admit vessels to enter. The entrance being 60 feet wide, only about 70 or 80 feet of the dam need be removed, or perhaps the removal may extend the length of the wing walls. The northeast side of the present wharf may be extended to the line of the entrance, and the angle between the wing wall of the dock and the wharf occupied by a new part, so as to leave the whole service or terra-plein, between the dock and the ship house, level, extending to the lower end of the wharf. On the opposite or northeast side of the entrance, a permanent wharf, like the one already built, may be erected on a line with the entrance, covering the angle of the dam, and connected and made level with the filling on the north side of the dock. Some considerable extension of wharf seems indispensable for a convenient use of the dock and for other purposes connected with the navy yard. Instead of confining the distance between these wharves to the breadth of the entrance, viz: 60 feet, where one large vessel might lie, it may be made 100 or 120 feet wide, so that two vessels may lie there, one to each wharf. But I will not presume to recommend, at present, any particular plan for this purpose. I make the suggestion only to show that little expense need be incurred in removing the coffer dam. As the filling and banking, level with the coping of the dock, will in great part be effected by the excavation of the dock, at least so far as will be required for its use, I do not include my estimate for additional filling; that may be done to an extent suited to the ulterior improvements in the yard.

Estimate of expense.

1.	Coffer dam covered for an accommodation bridge	$18,200 00
2.	Excavation of basin for dock, &c	12,648 00
3.	Foundation floor	25,000 00
4.	One pair of turning gates, with capstans and chains, foot bridge, &c	9,000 00
5.	Masonry of dock	79,159 00
6.	Ditto of entrance	34,000 00
7.	Stone stairs and slips	2,031 00
8.	Roman cement	8,000 00

9. Accommodation wharves, &c.	$3,000 00
10. Shops, sheds, and machinery	3,500 00
11. Steam engine of forty-horse power, and support three years, with chain pumps, &c., for draining	20,000 00
12. Removing coffer dam, and deepening the entrance	6,000 00
13. Engineer, superintendents, overseers, &c.	15,000 00
Contingencies	44,462 00
Total expense of dock	$280,000 00

NAVY COMMISSIONERS' OFFICE, *February* 17, 1826.

SIR: The expediency of establishing docks for the repair of our ships-of-war has been heretofore recognized by acts of the national legislature. In the year 1799, [25th February,] when we had no vessels of a class larger than frigates, a law was passed authorizing the establishment of two docks. The commissioners are uninformed as to the considerations which suspended the execution of this law, but they are fully persuaded that if it had been carried into effect at that early period an immense amount would have been saved to the treasury.

So many argumentative reports have been made, illustrating the necessity and economy of docks, that the commissioners can scarcely hope to be able to present any new lights upon the subject. It possesses, however, in itself, so much intrinsic interest, it affects so essentially the efficiency of the navy, and the present state of the service calls so imperiously for the construction of docks, that the commissioners feel themselves impelled by a high sense of duty to invite your serious attention to the subject.

If, when the navy consisted of vessels of rates inferior to ships of the line, docks were necessary, (as they certainly were,) the necessity for them is greatly increased by the fact of our now having ships of the line, and other vessels, of larger size than any then belonging to the navy. Frigates cannot be hove down without hazard; the operation (the only alternative in the absence of docks) always strains their hulls, and not unfrequently injures the forms of their bottoms, and materially affects their sailing. These objections to the process of heaving down apply with still greater force to vessels of larger size. The risk of heaving down a ship of the line is of itself, separately and distinctly considered, so serious as to justify the construction of a dock to avoid it.

The advantages of docks consist essentially of

1st. Safety in repairing and examining ships' bottoms.

2d. Economy of time.

3d. Economy in expense of repairing.

4th. The facilities they afford to examine and repair more thoroughly than can be done by any other known process.

5th. As appendages to building ways they are important.

6th. As affording the means of insuring to the ships all the advantages of sailing possessed in their construction.

Under these respective heads, the Commissioners of the Navy beg leave to observe, as regards—

1st. In docks ships are placed in positions perfectly secure, without incurring any species of risk or injury; but in heaving out large ships, however great the precaution, it is impossible to avoid straining their hulls, and injuring them in a greater or less degree, and the risk in frosty weather, when the ropes are brittle, is greatly increased.

2d. As respects economy of time, in the summer season, or during long days, the *bottom* of a 74, inside and out, may require 12,000 days' work to repair it. In a dock, where 400 men could be conveniently employed, the repair might be made in 30 working days; but on a ship hove down, where not more than 60 men could work to advantage on the outside, and when only one side can be worked on at a time, and then under the disadvantage of losing at least one-fifth of their working time, in heaving and righting every day, it would require 120 days to accomplish the outside work of 6,000 days. The inside work, which must necessarily be suspended during these 120 days, and until the ship be finally righted, will require, with 200 men, 30 additional days to perform it, so that while in a dock the whole work, inside and out, could be performed in 30 days, it could not be accomplished on a vessel hove down in less than 150 days: hence, a gain, in point of time, during the summer, or the most favorable season, of 120 days, in performing 12,000 days' work. To this gain considerable addition must be made from the circumstance of much time being unavoidably lost, during rainy or stormy weather, when the men cannot work on a ship hove down; when indeed it would be dangerous to suffer the ship to remain in that state; whereas, in a dock, with a roof over it, the men could work every day, wet or dry, hot or cold, calm or windy.

Suppose a ship to come into port dismasted, where there is no dock; new masts must be made for her before she can be hove down; this would require six to eight weeks. But if there was a dock she might be taken into it immediately, and the work upon her bottom and her masts might go on at the same time. Under such circumstances a dock would save six or eight weeks of time, in commencing the work upon a ship's bottom, during the winter season, particularly in situations where ice may be expected, and strong currents prevail. The risk in heaving down a large ship would be too serious to be incurred, under ordinary circumstances. If attempted, serious consequences might be apprehended. But in situations more favorable, during the short days, nearly the whole of the day would be consumed in heaving down and righting, and removing the ice and snow from the vessel, stages, and apparatus for heaving down, before the work on the ship could be commenced. This would be incurring great expense for little work.

If such losses of time are shown with single ships requiring repair, in a time of peace, what would be the injury resulting to the nation, in time of war, from a squadron coming into port dismasted, crippled in action, or from any other cause, requiring extensive repairs? In the winter season its services, though fully manned, might be wholly lost, and when the weather should permit the tedious, hazardous, and

expensive operation of heaving down, it would unavoidably be detained in port a length of time incalculably greater than would be necessary, if we had the conveniences of docks to resort to.

In every view, it is highly advisable to make such arrangements, and create such facilities, as will enable workmen, in peace or in war, to perform the greatest quantum of work in a given time. Docks afford these facilities in the repair of ships, while the system of heaving down exhibits the most wasteful contrast.

3d. As to the economy of docks as a means of repairing our ships, when compared with the system at this time from necessity pursued.

To heave down a ship, a gang of riggers (unnecessary in dock) must be employed; their expense would be considerable; and with respect to ship carpenters, (whose wages are going on while the ship is heaving down and righting,) there is, in the most favorable weather, a positive loss of one-fifth of their time, or twenty per cent. of their labor, exclusively of the time lost, and dead expense incurred from rains, stormy weather, and the disadvantages under which the labor is performed. These are positive, unavoidable extra expenses, incident to and inseparable from the system of repairing large ships by heaving them down, under the most favorable circumstances. During the winter, or in short days, these expenses and disadvantages are incurred to an extent almost so great as to forbid the operation, under any circumstances. While on this branch of the subject, it would be doing injustice to omit other important considerations; without docks, we, of necessity, copper our vessels while on their ways, launching them in that state; their copper may sustain serious injury, not to be ascertained till its effects are felt. For instance, a ship under these circumstances is sent into waters where the worm attacks her timber, (exposed by her copper being injured,) and in a very short time their ravages do such injury as to involve expensive repairs, and may even compel the ship to leave her foreign station or cruising ground, to return home for repair.

A vessel hove down should have all her seams payed over before she is righted, to prevent the oakum getting out before she is coppered; a shower of rain may come on in the afternoon, and continue till it is dark; she cannot then be payed, but for safety must be righted, and her oakum thus gets wet. Hence, sunden decays and expensive repairs must follow in a short time.

4th. As to the facilities which docks afford for examining and thoroughly repairing vessels.

In a dock a vessel may, if necessary, have all her planks, inside and out, taken off, and the examination and the repair may be made completely and thoroughly, if occasion requires it; any of her timbers may, without incurring any risk, be taken out, and others substituted, and abundant time is afforded safely to examine them. But when hove down, care must be taken not to remove more planks (particularly below the water line,) than can be replaced in the course of the day, otherwise the ship would be left exposed during the night, and would incur the risk of filling and sinking. These operations are made of necessity upon a partial, if not hasty, and consequently incomplete examination of the ship. In dock a ship is placed in a secure position, effectually shored, and the whole work of repair, inside and out, on both sides, may go on at the same time, at all seasons, under every attainable advantage; but when hove down, only one side can be worked on at a time, and then under the disadvantage of frequent interruptions from rain, stormy weather, ice, strong currents, and from the necessity of heaving down every morning, and righting every night.

5th. As appendages to building ways.

No ship of any magnitude ought to be coppered on her ways; because, whatever care may be taken, she is liable to have her copper injured from launching, whence the most serious injuries may result, and however careful the carpenters and caulkers may be, leaks are frequently left. Launching a ship without having coppered her, these leaks are immediately discovered and repaired thoroughly, when she is taken into dock to be coppered. Hence, all such vessels should be first launched, and then taken into dock. When taken thence, we may be sure that their bottoms are in perfect condition, and that they proceed on service in a state of thorough repair.

6th. As affording means of securing our ships all the advantages of sailing they may possess in their construction.

Whatever advantages our ships may possess, in sailing, are liable to serious injury from heaving them down, since, as before observed, they are always more or less injured in that operation, and the oftener it is repeated, the more are they strained, and otherwise injured; we have seen, too, that from being coppered on their ways they are liable to have their copper injured in launching, and this injury (which cannot be discovered until the bottom shall be examined,) may be such as seriously to impede the sailing of a ship. If she be new, and untried, her dull sailing may be attributed to some error in her construction, and, ignorant as to the real cause, expensive and fruitless experiments may be made to remedy the supposed defect.

To secure to a ship every advantage in sailing, her form should be kept to its original state, and her bottom as smooth and clean as possible, and with that view it should be frequently examined; such an examination cannot be effected by heaving her down, without injuring her, and incurring considerable expense and loss of time; whereas, in a dock, she can be taken in, examined, and thoroughly cleansed, without any loss of time, or any material expense. If a ship comes into port for supplies of any kind, while they are procuring for her she can undergo this examination and cleansing, which, to preserve all her properties of sailing, should take place at *least* once a year. And while on this subject, it may be proper to observe, as the result of experience, that copper, when kept clean, will last much longer, than when left covered with barnacles and other similar substances.

It will not escape observation that the sailing of a ship-of-war, viewed in reference to attack or retreat, or manœuvring during battle, is of the first importance, since superiority in this respect enables her to approach or retire at pleasure, and in an engagement to secure the most advantageous positions. This property is obviously a desideratum in any vessel-of-war, acting singly. In a squadron of ships it becomes still more important, but each and every ship of the squadron should possess it; for should the sailing of any one of them be injured by any of the causes stated, or by any other cause, she cannot sail in line with the others, without greatly impeding and embarrassing their operations.

Upon the considerations already urged, the commissioners might possibly commit a decision upon the question of docks; but such is their anxiety upon the subject, arising from the conviction of their being indispensable to the best interests of the navy, (inseparable, they hope, from the interest of the country,) that they trust you will excuse their indulging in a few general observations, calculated, they trust, to strengthen the views already taken. We have at this time, in ordinary, six ships of the line

and five frigates; on the stocks, five ships of the line and four frigates, and several others to be built, besides sloops-of-war. None of the vessels in ordinary ought to be sent to sea, without having their bottoms examined and cleansed, and, if necessary, repaired; without docks, all of them would have to be hove out. If their services should be required in winter, the operation of heaving out could not take place. It would have to be suspended until the weather should be more mild. The consequences in time of war might be disastrous; and with respect to those on the stocks and hereafter to be built, for the reasons before assigned, they should be launched before they are coppered, and then taken into dock, to be examined and coppered.

Suppose, on the eve of a war, twelve sail of the line, fifteen frigates and all our sloops-of-war, were ready for service. By having docks, their properties of sailing might be preserved without loss of time, and scarcely any expense. Coming into port, as they would be compelled to do at least twice a year for refreshment, while the necessary articles should be procured for them, they could be taken into dock and cleansed; without docks these advantages could not be secured. The ships might, to be sure, be hove down, yet not without injury, and a loss of time fully equal, under the most favorable circumstances, to one-sixth of the year, and a heavy expense arising, not only from the operation itself, but from the necessity of displacing and replacing everything necessary for them, such as ballast, provisions, stores of every kind, and, in short, of everything but their lower masts. Such a sacrifice of time would be to incur an expense of twelve months for ten months' service.

So far as respects the important facility of examining ships' bottoms, a few docks would be sufficient for a great number. Double the number of ships would not necessarily increase the number of docks for this purpose, but the expense of heaving down is a continually accruing one, proportionate in amount to the number of vessels.

It is presumed that, in time of war, our ships of the line would principally be employed as a guarda costa to repel invasion. In this view, the Chesapeake, New York and Boston may be considered the three most important points to be guarded, and at each of these points the Commissioners would recommend the construction of a dock.

It may be estimated, from the report of Mr. Baldwin, that a dock of sufficient size for a ship of the line would cost about $300,000. We probably could not complete one in less time than from two to three years, but three may be built at the same time, so that an annual appropriation for three years, of $100,000 for each dock, would probably be sufficient.

Such an expenditure would in a very few years be refunded by the expense which the docks would save; made, as they would be, of imperishable materials, they would last for ages with occasional repairs, inconsiderable in amount. On the score of economy, then, it is obviously advisable to have docks; and to enable the government to command at all times the services of our ships, and to keep them in the most efficient state, in all respects, they are indispensable.

All which is most respectfully submitted. WM. BAINBRIDGE.

Hon. SAMUEL L. SOUTHARD, *Secretary of the Navy.*

NOTE.—For the other documents communicated with the preceding report from the Secretary of the Navy, see vol. 1, Naval Affairs, State Papers No. 252, page 1032–'3.

19TH CONGRESS.] No. 308. [1ST SESSION.

ON A CLAIM OF LIEUT. ISAAC M'KEEVER FOR PRIZE MONEY FOR THE CAPTURE OF TWO SLAVE VESSELS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES APRIL 3, 1826.

Mr. BARTLETT, from the Committee on Naval Affairs, to whom was referred the petition of Lieutenant Isaac M'Keever, reported:

That the petitioner represents that, on the 18th day of June, 1818, he was commanding the United States ketch Surprise, and on that day he captured, off Pensacola, the schooners named Merino and Louisa, with their cargoes, having on board twenty-five slaves, and conducted them to the port of Mobile, for prosecution for a violation of the laws of the United States. That the said vessels and cargoes were accordingly afterwards prosecuted, in the district court of the United States for the district of Alabama, and, at the end of five years' litigation, a decree of condemnation was pronounced against them, and one-half of the proceeds awarded to the United States, which decree has since been affirmed on appeal to the supreme court of the United States. The petitioner further states that the proceeds of the sale of the prizes amounted to $8,830.50, one-half of which, to wit, $4,415.25, has been distributed amongst the captors, which, by the rule of law, gave to your petitioner, for his share, $419.45. The petitioner states that the other moiety of the proceeds of the sale is not yet paid into the Treasury of the United States, but that bond is given for its payment. The petitioner further states that, from the uncommon duration of the legal controversy to effect the condemnation of said vessels, and the frequent journeys he was compelled to make himself and by his agents to the different courts, he had expended the sum of $3,000 more than was allowed to him, and he now asks, in consideration of his services and liabilities in relation to said capture, in consideration of the expenses that he has incurred in the condemnation of said vessels, and that the rule of distribution has so operated as to give him no more of the prize money than other officers under his command, who incurred no responsibility, that the United States will relinquish to him their interest in the bond securing to them the half of the proceeds of said prizes. While the services of Lieutenant M'Keever have been most active and zealous, and have resulted in important benefits to his country, they have not been of a character to carry with them pecuniary reward; and as the committee believe that the amount now asked, after defraying the charges incurred, would not give

to the petitioner a share of the prize money disproportioned to the responsibility and trouble which devolved upon him; and as the committee find the principle recognized in the "Act for the relief of David Porter and his officers and crew," passed April 13, 1814, they deem the prayer of the petitioner reasonable, and accordingly report a bill.

9TH CONGRESS.] No. 309. [1ST SESSION.

ON THE CLAIM OF SETH TOWNSEND, A DISABLED SEAMAN OF THE NAVY, FOR AN INCREASE OF PENSION.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES APRIL 14, 1826.

Mr. STORRS, from the Committee on Naval Affairs, who were instructed by a resolution of the House of the 5th instant to inquire into "the expediency of increasing the pension allowed to Seth Townsend, a seaman, disabled in the service of the United States, on board the Washington," reported:

That they have considered the subject referred to them by the said resolution; that the said Seth Townsend prays an increase of the pension now allowed to him as a disabled seaman under the laws of Congress. The committee are of opinion that if his disability at this time is such as to render an increase of it necessary to his subsistence, the laws already provide for increasing it on a proper application for that purpose to the Commissioners of the Pension Fund, and on furnishing to them the proof required by the regulations established for such purposes. The committee submit to the House, with this report, a letter from the Secretary of the Department of the Navy to the committee, which refers to the laws as they now exist, and in the construction of them adopted by that officer the committee concur. They recommend to the House the following resolution:

Resolved, That the Committee on Naval Affairs be discharged from the further consideration of the said resolution, and that the said Seth Townsend have leave to withdraw his papers.

NAVY DEPARTMENT, *April* 10, 1826.

SIR: I have, this morning, the honor of receiving your letter of the 7th instant, enclosing certain papers in the case of Seth Townsend, a pensioner, and inquiring "if any legislation is necessary to enable the pensioner to obtain an increase of his pension, if he is in such a situation or so disabled as to be enti tled in justice to the increase of it." By the 8th section of the act for the better government of the navy of the United States, passed 23d April, 1800, volume 3, page 351, it is enacted that the pension to officers, seamen and marines shall not exceed one-half the monthly pay.

By the 7th section of "An act in addition to an act entitled 'An act in relation to the navy pension fund,'" passed 16th April, 1816, volume 6, page 64, the Commissioners are authorized, in their discretion, to increase the allowance to any sum, not exceeding the full amount of monthly pay to which the party was by law entitled in the service, *where the allowance of the half monthly pay should, in their opinion, from the nature and extent of the disability, and the situation of the party disabled, be inadequate to his necessary subsistence.*

The authority given in this section is very explicit; and I do not know that any explanation can be useful, either as to the cases in which the discretion is to be applied, or the extent to which it may be carried. If satisfactory evidence be furnished in the mode prescribed by the Commissioners, they may increase the pension, provided the allowance already made "be inadequate to the *necessary subsistence*" of the applicant. Anything beyond what is *adequate to the necessary subsistence* must be allowed not by the Commissioners but by Congress.

I am, respectfully, &c.,

SAM'L L. SOUTHARD.

19TH CONGRESS.] No. 310. [1ST SESSION.

ON AN APPLICATION OF FRANCIS HAYNE, A DISABLED SEAMAN, FOR AN INCREASE OF A NAVAL PENSION.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES APRIL 14, 1826.

Mr. STORRS, from the Committee on Naval Affairs, to whom was referred the petition of Francis Hayne, reported:

That they have considered the case of the petitioner, who states that the amount of his pension now allowed to him as a disabled seaman is insufficient for his subsistence, and he prays that it may be increased. The committee is of opinion that no legislative act is necessary for the relief of the petitioner, the existing laws entitling him to an increase of his pension if his disability is such that the amount now allowed to him is insufficient for his necessary subsistence. The committee respectfully refer the House

to their report at this session in the case of Seth Townsend, and the letter of the Secretary of the Navy Department which accompanies that report, as containing the views of the committee on this subject, and the state of the pension laws, as now existing.

They recommend to the House the following resolution:

Resolved, That the petitioner have leave to withdraw his petition and papers.

19TH CONGRESS.] **No. 311.** [1ST SESSION.

ON A CLAIM FOR A NAVY PENSION.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES APRIL 15, 1826.

Mr. STORRS, from the Committee on Naval Affairs, to whom was referred the petition of Frances Gamble, widow of Francis B. Gamble, late a lieutenant in the navy of the United States, having considered the said petition, and papers accompanying the same, reported:

That the petitioner states that her late husband died in the year 1824, while engaged in the performance of his duty in the naval service, and from disease contracted by much exposure and great exertion in the performance of his duties; and she prays that a pension may be granted to her by Congress. The case of the petitioner was referred to the Committee on Naval Affairs, by order of this House, at the second session of the last Congress, and an unfavorable report made thereon, on the 28th day of January, 1825. The committee are of opinion that it would be inexpedient to grant the prayer of the petitioner, and respectfully refer to the report of the committee, before made on this petition, as containing the principles on which they have come to this opinion. They recommend to the House the following resolution:

Resolved, That the petitioner have leave to withdraw her petition and papers.

IN HOUSE OF REPRESENTATIVES, *January* 28, 1825.

Mr. CROWNINSHIELD, from the Committee on Naval Affairs, to whom was referred the petition of Frances W. C. Gamble, widow of Francis B. Gamble, late a lieutenant commandant in the navy of the United States, reported:

That the deceased, Lieutenant Gamble, being attached to the United States squadron in the West Indies, for the protection of commerce and the suppression of piracy, &c., in command of the United States ship Decoy, was attacked by a malignant fever, of which he died on the 17th of September last, while on his passage in said vessel to the United States; and the petitioner prays for a pension equal to half the monthly pay of her deceased husband.

The petitioner's situation, in the essential circumstances, is similar to that of the widow of Lieut. Nathaniel L. Montgomery; and the law which would have afforded relief in both cases, having being repealed at the last session of Congress, the committee cannot recommend a renewal of the repealed law in favor of the petitioner, without a departure from the even and impartial course marked out for the national legislature, however deeply they may sympathize with the bereaved and destitute widows and families of the brave men who have perished in the public service. They therefore recommend the following resolution:

Resolved, That the prayer of the petitioner ought not to be granted.

19TH CONGRESS.] **No. 312.** [1ST SESSION.

ON A CLAIM FOR REPAYMENT OF EXPENSES INCURRED AS PRIZE AGENT.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES APRIL 29, 1826.

Mr. BARTLETT, from the Committee on Naval Affairs, who were instructed by a resolution of the House, of the 22d of April, 1826, "to inquire into the expediency of providing for the payment of a sum of money, paid by Archibald McElroy for the expenses of attending the disposition of a prize vessel, which was paid by him, for which he has not been allowed in the settlement of his account," reported:

That Archibald McElroy claims payment for the sum of $189.95, alleged to have been paid by him in the disposition of the prize vessels Victory and Le Jeaune, in June, 1801. Whatever sums were rightfully paid by McElroy should have been deducted from the proceeds of the prizes before distribution was ordered, and would unquestionably have been done had he presented his claim to the court. If he has not been indemnified, it has resulted from his own neglect, and the committee do not deem it expedient, after a lapse of twenty-five years, to grant any remedy. They therefore recommend the following resolution:

Resolved, That it is not expedient to provide for the payment to Archibald McElroy of any expenses incurred by him in the disposition of the prize vessels Victory and Le Jeaune, in 1801.

19TH CONGRESS.] No. 313. [1ST SESSION.

ON THE TENURE BY WHICH THE SITE OF THE NAVY YARD AT PHILADELPHIA IS HELD; AMOUNT OF TAXES PAID THEREON TO THAT CITY AND COUNTY, JURISDICTION OVER THE SAME NOT BEING GRANTED TO THE UNITED STATES BY THE LEGISLATURE OF PENNSYLVANIA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES APRIL 28, 1826.

NAVY DEPARTMENT, *April* 26, 1826.

To the Speaker of the House of Representatives:

In answer to the resolution of the House of Representatives, of the 1st inst., respecting the taxes which have been imposed or paid on the Navy yard near the city of Philadelphia, and what measures, if any, have been taken to obtain from the State of Pennsylvania a cession of jurisdiction over the grounds now occupied by the United States, the Secretary of the Navy has the honor to enclose a copy of a report from the Fourth Auditor of the Treasury, with several communications to and from the Department, which contain all the information called for, so far as it is in the power of the Department, at this time, to furnish it.

The ground which now forms the Navy yard in Philadelphia was purchased of several individuals, in the year 1801, for the sum of $37,000. It embraced parts of several streets, (in the plan of the district of Southwark,) which had, before that time, been established.

Attempts have been made, at different times, to have these streets opened; but they have been unsuccessful—and a law was passed by the legislature of Pennsylvania, on the 23d March, 1818, which prohibits the opening of them without the consent of the Secretary of the Navy.

During the last two sessions of the legislature of Pennsylvania, it is understood that a law was under consideration to exempt the yard from taxation, but was not passed.

The Department is not able, at this time, to furnish a copy of the proceedings of that body on the subject, nor the reasons which prevented the passage of the law. Letters have been written to the proper officers to obtain copies of the proceedings, but they have not yet been received. They will, no doubt, in due time, be forwarded. The present report has been delayed several days, in the hope of receiving them.

It does not appear that any direct application has, at any time, been ordered by Congress, or made by the Executive, to the State of Pennsylvania, to cede the *jurisdiction* to the United States. The applications had two objects: 1st, to prevent the streets from being run through the Navy yard; and 2d, to obtain relief from the payment of the taxes. The first was obtained by the act of the legislature of Pennsylvania before referred to.

The taxes are still called for and paid. They have been, for several years past, embraced in the estimates furnished by the Department for the support of the naval service; are provided for by the appropriation bills in the enumerated items under the head of contingencies, and are contained in the reports of the contingent expenses, communicated to Congress at the commencement of each year.

Respectfully submitted.

SAMUEL L. SOUTHARD.

PHILADELPHIA, *April* 23, 1811.

SIR: I have received your letter of the 19th, and have obtained the district attorney's opinion, which I enclose, and on which I presume the taxes claimed must be paid.

I am, very respectfully, your obedient servant, GEO. HARRISON.

To the SECRETARY *of the Navy.*

P. S.—I find on inquiry that no tax has been paid on the United States property on the Schuylkill, (the arsenal;) a tax was assessed and called for, and an appeal made to the then governor, Thomas M'Kean, Esq., who made a communication to the legislature on the subject; since, no tax has been levied or called for.

APRIL 22, 1811.

SIR: The subjoined statement was made upon an application similar to the one which is referred to me by the Secretary of the Navy's letter of the 19th instant.

I am, respectfully, your most obedient servant,

A. J. DALLAS.

Is real estate held by the United States, in the State of Pennsylvania, subject to taxes under the State laws?

If there is any exemption from such taxes, it must arise from the Constitution of the United States, from acts of Congress, or from the State laws.

By the Constitution, Congress have power to exercise exclusive jurisdiction, in all cases whatsoever, over the District of Columbia; and also over all places purchased by the consent of the legislature of the State, for the erection of forts, magazines, arsenals, dock yards, and other needful buildings.

It is another constitutional provision, that Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States; but

nothing in the Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

These are the only constitutional provisions that have any apparant connection with the question submitted to me, and there is no act of Congress on the subject but that which simply authorizes the purchase.

It remains to be seen whether the exemption from taxes can arise expressly, or by implication, from any State law. But the site for the Navy yard was not purchased by the consent of the legislature of Pennsylvania, so as to fall within the exclusive jurisdiction of Congress; and there is no exemption of the property of the United States from taxation, by the positive provision of any act of assembly.

I cannot therefore perceive that the lot occupied as a Navy yard is more exempt from taxes than any house or store would be, which Congress might direct to be purchased for the accommodation of the public officers.

A. J. DALLAS.

GEORGE HARRISON, Esquire.

NAVY DEPARTMENT, *April* 26, 1811.

SIR: I have received your letter of the 23d instant; you will pay the taxes claimed on the property of the United States.

PAUL HAMILTON.

GEORGE HARRISON, Esq., *Philadelphia.*

PHILADELPHIA, *December* 14, 1811.

SIR: Speculators in lots adjacent to the Navy yard, and others interested, are memorializing the judges of the court of quarter sessions to open Federal street through it. The evil, as respects the establishment, will not rest here. If they are successful, they will then attempt to open other streets, which will totally destroy it. Could a compromise be made by giving them Federal street, and having the others vacated by law, the injury would be trifling; and I have little doubt this may be accomplished. Should you approve, will you be pleased to instruct Mr. Dallas? It is a very favorable moment to obtain a law from the State vacating the streets.

The drafts you can refer to, as they are in your office. I enclose, from memory, a sketch.

Be pleased to return to Mr. Dallas the petition I enclose you.

I am, respectfully, sir, your obedient servant,

GEO. HARRISON.

To the SECRETARY *of the Navy.*

[Here, in the original, is a sketch of the property.]

Date of act authorizing the purchase Purchase was made under the act authorizing six 74 gun ships, February 25, 1799. (United States Laws, vol. iv, page 264.) Extent of ground purchased, about eleven acres. Price of purchase, $37,000. Property has risen immensely in value. The deed of conveyance from sundry individuals.

DECEMBER 14, 1811.

DEAR SIR: The enclosed petition has been left with me, and I must trouble you, as Navy agent, to state the objections to opening the proposed road through the Navy yard, as soon as you conveniently can. Perhaps you had better consult Mr. Hamilton on the subject.

Return the petition.

Yours, respectfully, A. J. DALLAS.

GEO. HARRISON, Esq.

To the honorable the president and his associate judges of the court of quarter sessions, in and for the county of Philadelphia:

The petition of the subscribers, freeholders in the district of Southwark, respectfully represents:

That the general assembly of this commonwealth, so early as the year 1787, regardful of the public improvement of the district of Southwark, and in order to prevent confusion in the building, and to preserve regularity in the several streets, which so materially contributes to that improvement, and also, in order to open a direct communication with the country adjacent to the said district, passed a law, in that year, authorizing and appointing five commissioners, any three of whom were empowered to survey and lay out such and so many new streets, lanes, and alleys, within that part of said district where proper streets were not then already laid out, as in their judgments would be necessary to accommodate all the inhabitants and landholders with convenient ways and passages to and from their respective grounds.

That, in addition to the above duties, the said commissioners, among others, were specially authorized and empowered to survey and lay out a public road from George Gray's, to run in a right line and parallel to South street, as nearly as the ground and circumstances would permit. That a plan of the said streets, so laid out, was by the said act directed to be returned to the supreme executive council for

their adjudication, which said adjudication, together with the draft or plan of the streets approved of, was ordered to be recorded.

That the said act further provided that, upon application to open any of the said streets so laid out, by the petition of more than seven freeholders of the said district, whose lands lie near to or adjoining the same, that it should be lawful for the supreme executive council, if they should be of opinion that the state of improvement in the neighborhood should require it, to issue their warrant, directed to the supervisors of the public streets or highways, requiring them to open and keep in repair such street, as other public highways, laid out and opened according to law, which said powers and authorities were, by an act of the first of April, 1811, exclusively vested in the court of quarter sessions for the county of Philadelphia, subject to removal and revision in the supreme court. That, in conformity to the provisions of the said act, Federal street was laid out, by the said commissioners, of the width of fifty feet from Gray's Ferry road to Swanson street, from which place it is of the width of one hundred feet to the Delaware; that the report was duly approved of, and the adjudication of the supreme executive council, together with the plan of the road or street, was recorded in the proper office.

That part of the said Federal street, viz: from Gray's Ferry road to Front street, has been opened as a public street, in pursuance of the aforesaid act, and an act of the 28th of November, 1796, which gave the powers for that purpose, vested in the supreme executive council by the former act of the governor, and which authorized and directed the commissioners of the county to defray the expense of opening the said roads.

Your petitioners, therefore, under a firm conviction that the continuing it to the Delaware, agreeably to the original intention and design of the commissioners, would at this time be of great public utility, have thought it expedient to petition your honorable court for that purpose.

Your petitioners think proper to state further, that the ground through which Federal street, continued, will pass, has been purchased since the laying out of the said street, as aforesaid, after an application was made to the legislature for vacating the streets passing through the same, and was by them rejected, and is now occupied by the United States as a Navy yard; but they apprehend that, when the premises are duly considered, and it is found that, on the one hand, no material injury will accrue to the United States, whilst, on the other hand, a great benefit will be derived by the city of Southwark in consequence of extending the said street, that the United States cannot have any objection to the original design of the commissioners and of the general assembly being carried into execution. Your petitioners, therefore, pray your honors to issue a warrant, (directed to the supervisors, superintendent of public roads and highways in the district of Southwark,) requiring them to open the said Federal street, from Front street to the Delaware aforesaid, and to keep the same in repair as other public streets in the said district are kept.

And your petitioners will ever pray, &c.

October 10th, 1811. Read, and rule to show cause, at the next sessions, why the warrant prayed for should not issue. Notice to be given to the Navy agent and the district attorney of the United States.

I certify the above to be a true copy from the record. In witness whereof I hereunto set my hand, and seal of said court, this 12th of December, 1811.

RICH. BACHE, *Clerk.*

Abstract of the sums paid by the Navy agent at Philadelphia for taxes on the Navy yard property at that place.

To whom paid.	For what period.	Poor tax.	Taxes for lamps, paving, &c.	County tax.	Health tax.	Total.	
Alexander Urquhart, collector.	1802 to 1810 inclusive.	.....	.....	$371 00	$180 00	$551 00	
Alexander Urquhart, collector.	1811 and 1812	.....	.....	.....	.....	624 00	The statement and vouchers being burnt, the several descriptions of taxes cannot be ascertained.
Alexander Urquhart, collector.	1813.....	$116 00	$160 00	64 00	.....	340 00	
Alexander Urquhart, collector.	1814.....	125 00	250 00	80 00	25 00	480 00	
George C. Snyder, collector...	1815.....	130 00	250 00	100 00	.....	480 00	
George C. Snyder, collector...	1816.....	130 00	250 00	100 00	.....	480 00	
George C. Snyder, collector...	1817.....	216 67	325 00	227 50	.....	769 17	
George C. Snyder, collector...	1818.....	195 00	325 00	162 50	.....	682 50	
George C. Snyder, collector...	1819.....	195 00	325 00	162 50	.....	682 50	
George C. Snyder, collector...	1820.....	240 50	195 00	227 50	.....	663 00	
George C. Snyder, collector...	1821.....	216 67	195 00	162 50	.....	574 17	
George C. Snyder, collector...	1822.....	175 50	195 00	162 50	.....	533 00	
George C. Snyder, collector...	1823.....	234 50	.....	201 00	33 50	469 00	
John McLeod, collector.....	1823.....	.....	234 50	.....	.....	234 50	
George C. Snyder, collector...	1824.....	274 70	.....	201 00	.....	475 70	
John McLeod, collector.....	1824.....	.....	234 50	.....	.....	234 50	
John McLeod, collector.....	1825.....	268 00	234 50	201 00	.....	703 50	
		$2,517 54	$3,173 50	$2,423 00	$238 50	$8,976 54	

T. WATKINS.

TREASURY DEPARTMENT, *Fourth Auditor's Office, April 7*, 1826.

[Extract.]

PHILADELAHIA, *January* 8, 1812.

SIR: I had the honor of addressing you on the 14th ult., relative to the Navy yard. Being without reply, and totally ignorant of your view of the subject, I pressed Mr. Dallas to obtain a postponement, which he has succeeded in till March term.

I am, very respectfully, your obedient servant, GEO. HARRISON.

To the SECRETARY *of the Navy.*

PHILADELPHIA, *March* 16, 1823.

SIR: On the last of this, or beginning of the ensuing week, the application, by the commissioners of Southwark, for the opening of Federal street through the northwest angle of the Navy yard, is to be heard by the court. I am still without your orders or instructions on this subject.

With great respect, your obedient servant,

GEO. HARRISON.

To the SECRETARY *of the Navy.*

NAVY DEPARTMENT, *March* 18, 1812.

SIR: I have received your letter of the 16th instant. You will be pleased to consult with Mr. Dallas, the district attorney, upon the subject of the proposition to open a street through the Navy yard, and to request him to appear in court on the occasion, should he judge it expedient. Although, at this particular time, it might not be very inconvenient to the public to have the street opened, yet, if ever the yard shall be extensively improved, it would be serious public injury to have it opened.

PAUL HAMILTON.

GEO. HARRISON, Esq., *Philadelphia.*

NAVY DEPARTMENT, *Accountant's Office, September* 11, 1812.

SIR: County and health taxes are claimed on the Navy yard property belonging to the United States at Philadelphia, and for several years the taxes have been paid, under authority from the Secretary of the Navy; but upon application made to me, in January last, relative to the mode in which the claim should be authenticated and exhibited, I, upon reflection, (having serious doubts whether, under existing provisions, there was any legel authority for the payment,) was induced to write to the Navy agent, a copy of which letter you will receive herewith, and, in consequence of which, the agent has declined paying the taxes, which are now claimed and insisted upon by the commissioners; and as it is of some importance, permit me to request you to take the subject under consideration, and communicate your opinion to me in relation thereto. That you may understand the nature of the claims, I send you copies of the accounts that have been paid.

Respectfully, &c., THOMAS TURNER.

RICHARD RUSH, Esq.

TREASURY DEPARTMENT, *Comptroller's Office, September* 12, 1812.

SIR: I have had under consideration your letter of yesterday's date on the subject of the claim made by the county commissioners for the county of Philadelphia, for taxes on the Navy yard property at that place. The right to tax, under State authority, property belonging to the United States, situated as that is at Philadelphia, does, I think, legally exist That property was, as I happen to have been informed, obtained by the United States through individual deeds or grants, or at least without any intervention or act of cession on the part of the State of Pennsylvania. In this important point, therefore, the case differs from that of the Navy yard at this place, to which you have referred; the latter having been included in the deed of cession made by the State of Maryland to the United States of all that part of the District of Columbia lying east of the Potomac. The papers which accompanied your letter are herewith returned.

I am, very respectfully, your obedient servant, RICHARD RUSH.

THOMAS TURNER, Esq., *Accountant, Navy Department.*

OCTOBER 7, 1812.

SIR: By an act of the legislature of Pennsylvania, passed in the year 1787, commissioners were appointed to lay out roads, streets, and alleys, in the district of Southwark, for the accommodation of the inhabitants, to be afterwards opened as the population and improvements in the neighborhood should, from time to time, require. The duty was performed; the report of the commissioners was confirmed by the proper authority, and parts of several of the streets have been since opened.

During Mr. Adams' administration, a site, intersected by five or six of the streets so laid out, was purchased for the Navy yard, without the consent of the legislature of the State. Attempts have been repeatedly made to open one of these streets through the Navy yard; and the applicants have at last succeeded in obtaining an order for that purpose from the court in which the competent jurisdiction is vested. I opposed the granting of the order at the last session, and the court deliberated upon the subject until yesterday. The part of the street which is now ordered to be opened will cut off a considerable angle from the Navy yard, and some of the shed in which the naval stores are deposited. If, however, the inconvenience were to cease here, the sacrifice would not perhaps be important; but as future applications will probably be made to open, in succession, all the streets, to the utter destruction of the public establishment, it is proper to suggest the expediency of selling the present site of the Navy yard, and procuring another in Kensington; a change which offers many advantages, besides the security of possession.

I have the honor to be, very respectfully, sir, your most obedient servant,

A. J. DALLAS.

The SECRETARY *of the Navy.*

SOUTHWARK, *March* 2, 1813.

SIR: In conversing with some of the inhabitants of Southwark on the subject of the Navy yard, I find them opposed to vacating all the streets that run through it. But I believe if the Navy Department will open Federal street and Swanson street when wanted, (the latter street will not probably be called for in thirty years or more, and the opening of the former does no great injury to the yard,) they will agree to vacate the rest.

The legislature will continue in session until the 20th or 25th of this month, and I think an application from the Secretary of the Navy to the governor might effect the object.

North and south streets, that run through the Navy yard—Church street, Swanson street, Meadow street, and Wharf street, making 4; east and west streets, that run through the Navy yard—Federal street, Wharton street, making 2. Total, 6.

I am, respectfully,

SAMUEL HUMPHREYS.

NAVY DEPARTMENT, *March* 10, 1813.

SIR: The object of the enclosed letter is so familiar to you as to require no explanation. I have, therefore, only to request that you will accompany my letter to the governor with such explanations, of the particular object intended by the application, as may be necessary.

Mr. C. Penrose and Mr. S. Humphreys, who I intend shall build the 74, will give you all the local information necessary; they may, however, have an interest adverse to the vacating of the streets: one or both of them are commissioners of the district of Southwark, and know the disposition of the neighborhood. If nothing better can be done, I would consent to open Federal street, and even Swanson street; the latter they say will not be called for probably in thirty years. Can a stipulation be had to that effect? If all the other streets and alleys are not vacated immediately, I shall abandon all idea of improvement, and the building of the 74 will be suspended until another site can be procured. I have desired Mr. Harrison to call on you, with Penrose and Humphreys, for the purpose of forwarding the application without delay.

I am, very respectfully, your obedient,

W. JONES.

A. J. DALLAS, Esq., *U. S. District Attorney of the State of Pennsylvania.*

NAVY DEPARTMENT, *March* 10, 1813.

SIR: Intending to construct one of the 74 gun ships, for the navy of the United States, at the Navy yard in the district of Southwark and county of Philadelphia, it is ascertained that the several streets and alleys originally laid out, but not opened, were not vacated when the purchase was made by the United States; and, as the opening of those streets and alleys would render the site altogether unfit for the purposes of a Navy yard, I am directed by the President to solicit such representation, to the legislature of Pennsylvania, as to your wisdom may appear proper, in support of the expediency of passing an act vacating the streets and alleys which intersect the property held by the United States, as a Navy yard, in the district aforesaid.

An early decision is very desirable, in order that the preparatory measures may be immediately commenced, or, in the event of delay or adverse determination, abandoned in favor of some more eligible site; which, however, would be attended with considerable inconvenience and expense to the public.

The attorney for the district of Pennsylvania will accompany this application with a representation of the peculiar objects required, in order to carry into effect the intention of the Government of the United States; the importance of which will, no doubt, be duly appreciated.

I have the honor to be, very respectfully, sir, your obedient servant,

W. JONES.

The GOVERNOR *of the Commonwealth of Pennsylvania.*

MARCH 18, 1813.

SIR: After receiving your letters relative to the Navy yard, I waited several days, in hopes of a visit from Mr. Harrison, Mr. Humphreys, and Mr. Penrose. As they did not call on me, (Mr. Harrison

was sick, and Mr. Humphreys was absent,) I prepared a representation to the governor, agreeably to your request, (conceiving that no time should be lost in obtaining a decision of the legislature, at the present session,) and all the gentlemen have seen it. Mr. Penrose thinks that there is no chance of success, without the concurrence of the freeholders in the neighborhood of the Navy yard; and that there is no chance of obtaining their concurrence, without excepting both Federal and Swanson streets from the operation of the proposed vacating law. The representation (of which a copy is enclosed) will show the footing on which I have placed the subject before the governor. I did not think myself authorized to go further, by the terms of your letter.

The opening of Swanson street will be so very injurious, (dividing the site of the Navy yard into two distinct lots, and separating, by a wide thoroughfare, a comparatively scanty water lot from the main lot,) that, unless the legislature makes it an indispensable condition of passing a law to vacate the other streets, your reluctance to yield the point, must, I think, continue. In the form in which the question will be submitted, upon my representation to the governor, the legislature can reject, or adopt, or modify the proposition; and, if it is modified, you will afterwards have an opportunity to decide upon the expediency of improving the present Navy yard, on the legislative terms, or of procuring another site for the establishment.

I have the honor to be, very respectfully, sir, your obedient servant,

A. J. DALLAS.

WM. JONES, Esq., *Secretary of the Navy.*

PHILADELPHIA, *March* 16, 1813.

The attorney of the United States for the district of Pennsylvania, in compliance with the request of the Secretary of the Navy, respectfully represents to the Governor of the Commonwealth of Pennsylvania:

That, on the 29th of September, 1787, the general assembly of Pennsylvania passed an act to appoint commissioners to regulate the streets, lanes, and alleys in the district of Southwark, and to lay out new streets, lanes, and alleys therein, for the accommodation of the inhabitants. The act provided that the commissioners should return to the executive a correct draft or plan of the streets, lanes, and alleys which they should lay out; that the executive (after hearing the objections of any person aggrieved) should adjudge and determine, upon such return, how many, and which of the said streets, lanes, and alleys should be public; and that, after recording the adjudication, "from thenceforth all the said streets, lanes, alleys, and roads, so adjudged, should be forever thereafter deemed, adjudged, and taken to be public highways, for the use of the inhabitants of this State." To these regulations, it was added, that although it would not be necessary immediately to open the specified streets, lanes, alleys, and roads, yet, in order to provide for opening the same, from time to time, as the increasing improvements should require, it should be lawful for the executive, upon the petition of at least seven freeholders of the district, to direct any one or more of said streets, lanes, alleys, and roads to be opened. The authority of the commissioners was executed; their plan was confirmed and recorded by the executive; but the power to direct the streets, lanes, alleys, and roads to be opened, has lately been transferred to the court of quarter sessions for the city and county of Philadelphia. (See Smith's Laws, 2d vol., 435, 5th vol., 259.)

That on the day of 1800, the United States, being desirous to establish a Navy yard in the district of Southwark, purchased the present site from the owners of the soil, for a full and valuable consideration; and although the agents of the United States, who were employed to make the purchase, were aware that several of the streets, lanes, and alleys, which had been laid out in pursuance of the act of the 29th of September, 1787, would, if opened, run through the Navy yard, they were encouraged to rely for relief, in that respect, on the great benefit of the establishment to the neighborhood, and on the known disposition of the legislature of Pennsylvania to facilitate the public measures of the national government.

That, under these circumstances, the Navy yard was located in the district of Southwark, without previously obtaining the consent of the legislature of the State to vacate such parts of the projected streets, lanes, alleys, and roads as would, if opened, intersect the ground; but the establishment being publicly made, and the effect of opening the streets, lanes, alleys, and roads, to destroy the establishment, being obvious, the agent of the United States must, it is presumed, have considered an application for opening the roads, as improbable, and the interposition of the legislature, if necessary, at all times attainable.

That it appears, from the executive records, that some years ago application was made to Governor McKean for opening Federal street, (one of the projected streets,) but that the governor did not then deem it expedient to authorize that part of the street to be opened which would pass through the Navy yard. An application has, however, been lately made, with success, to the court of general quarter sessions of Philadelphia county, for opening the whole of Federal street; and it is understood that other applications are contemplated for opening other streets, lanes, alleys, and roads, by which all the uses of the Navy yard must be destroyed.

That the attention of the government has been drawn to the present subject by the demands of the war for naval accommodation, and more particularly by the design of constructing two public ships, (a seventy-four and a frigate) at Philadelphia. If, however, the plan of opening streets, lanes, alleys, and roads is not modified, so as to leave the Navy yard entire, it would be thought a waste of public money to make improvement there; and another site will probably be sought for the construction of the ships-of-war.

Hence it becomes of importance to the Government of the United States, as well as to the inhabitants of the district of Southwark, to ascertain, without delay, how far the legislature of Pennsylania shall deem it expedient to interpose.

That the communication from the Secretary of the Navy to the district attorney expresses a just solicitude for the interests and accommodation of the inhabitatants of the district of Southwark, and aims to render them compatible with the interests and accommodation of the United States. Upon his suggestion, therefore, in order to obviate the necessity of changing the site of the Navy yard, it is

respectfully proposed, for the consideration of the governor, and for the benefit of his recommendation to the legislature, whose wisdom will adopt or modify the propositions:

1. That the order of the court of general quarter sessions to open Federal street through the Navy yard be suspended during the war; and that the same be afterwards executed upon the terms of the act of assembly, without opposition by the United States.

2. That such parts of the projected streets, lanes, alleys, and roads, respectively, as run through the Navy yard, be vacated.

A. J. DALLAS, *Attorney.*

PENNSYLVANIA, *Secretary's Office, March* 31, 1813.

SIR: In obedience to the direction of the governor, I have the honor to enclose to you an authentic copy of an act of the legislature of this commonwealth, passed at their last session.

With high respect and consideration, sir, your obedient servant,

N. B. BOILEAU, *Secretary.*

W. JONES, Esq., *Secretary of the Navy of the United States.*

An act to suspend the opening of certain streets, lanes and alleys, in the district of Southwark.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same,* That so much of an act, entitled "An act to appoint commissioners to regulate the streets, lanes, and alleys in the district of Southwark, and to lay out new streets, lanes and alleys therein, for the accommodation of the inhabitants, and to lay out the roads therein mentioned through the said district and parts of the township of Moyamensing and Passyunk, passed on the twenty-ninth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the supplement thereto, passed on the first of April, one thousand eight hundred and eleven, as authorizes the opening of any street, lane, or alley through the ground now occupied as a Navy yard in the said district, and no more, be, and the same hereby is, suspended during the term of six years from and after the passage of this act, or until such ships or vessels-of-war, the building whereof shall be commenced during the continuance of the existing war between the United States and Great Britain, shall have been completed, launched, and equipped.

JOHN TOD, *Speaker of the House of Representatives.*
P. C. LANE, *Speaker of the Senate.*

Approved the 29th day of March, one thousand eight hundred and thirteen.

SIMON SNYDER.

OFFICE OF THE SECRETARY OF THE COMMONWEALTH, *Harrisburg, March* 31, 1813.

I do hereby certify that the foregoing is a correct copy from the original law, remaining amongst the rolls of this office.

Witness my hand and seal, the day and year last above mentioned.

N. B. BOILEAU, *Secretary.*

PENNSYLVANIA, *sct.:*

In the name and by the authority of the Commonwealth of Pennsylvania, Simon Snyder, governor of the said Commonwealth, to all to whom these presents shall come, sends greeting:

Know ye, that Nathaniel B. Boileau, Esq., whose name is subscribed to the foregoing certificate, is secretary of the said Commonwealth, duly appointed and commissioned; and full credit is, and ought to be, given to his official acts accordingly.

Given under my hand and the great seal of the State, at Harrisburg, this thirty-first day of March, in the year of our Lord one thousand eight hundred and thirteen, and of the Commonwealth the thirthy-seventh.

SIMON SNYDER.

By the governor.

N. B. BOILEAU, *Secretary.*

Extract of a letter from the Secretary of the Navy to George Harrison, Esq., dated—

APRIL 9, 1813.

I have several of your letters to reply to, which urgent business has postponed. The act of the Pennsylvania legislature relative to the Navy yard is worse than nothing; but I have determined to go on with the improvements and building of the 74, provided a street called Wharf street, east of Swanson street, is not laid out through it. If it is not, you will immediately proceed to contract for the materials, and engage Mr. Davis to build the wharf, &c.

Extracts of letters from George Harrison, Navy agent, to the Secretary of the Navy.

MARCH 26, 1813.

I have heard, through Mr. Biddle, that your application has met with success, and the streets intended to be run through the Navy yard vacated.

APRIL 6, 1813.

The secretary, Boileau, informed Mr. Dallas by letter, under date 1st instant, that he *had* forwarded to you a copy of the act passed the 29th ultimo, relating to the Navy yard, which, I presume, has reached you ere this.

APRIL 12, 1813.

From the information I have received, Wharf street will run east of the proposed new wharf 30 feet; but Mr. Dallas is of opinion that you may have these streets vacated for 100 years, on application to the legislature early the next session.

PHILADELPHIA, *September* 2, 1813.

SIR: The enclosed bill for taxes, assessed on the United States Navy yard, and claimed by the commissioners, has this day been presented for payment by the collector, Alexander Urquhart. Must it be paid?

Very respectfully, your obedient servant, GEORGE HARRISON.

To the ACCOUNTANT *of the Navy Department, Washington.*

United States,

To Alexander Urquhart, *Dr.*

For taxes of the Navy yard in the district of Southwark, for the year 1813.

Pump and paving	$160 00
County	64 00
Poor	96 00
Health	20 00
	$340 00

We, the undersigned, do certify that Alexander Urquhart is collector of East and West Southwark.

JACOB FITLER,
ROBERT TAYLOR,
ISAAC JOHNSON,
Commissioners.

PHILADELPHIA, *September* 1, 1813.

NAVY DEPARTMENT, *September* 4, 1813.

SIR: I have received your letter covering bills of taxes for the Navy yard. I wish to know what the former assessments for two or three years back amounted to.

I am, respectfully, W. JONES.

GEORGE HARRISON, Esq., *Navy Agent, Philadelphia.*

PHILADELPHIA, *September* 10, 1813.

SIR: At a meeting of the board of commissioners of the district of Southwark, held on the 9th instant, the following resolution was adopted, viz.:

"*Resolved*, That this board do not consider themselves justified in exonerating the officer of the general government, having the care of the Navy yard, from such improvements as are essentially necessary in this district."

(Extract from the minutes.) JOHN HUTTON, *Clerk.*

PHILADELPHIA NAVY YARD, *December* 12, 1817.

SIR: As there are some circumstances relating to this yard with which, probably, you are not acquainted, I deem it my duty to subjoin the following statement and remarks, for your consideration:

The Navy yard in this port was bought under the full impression that the streets intended to be run through it would be vacated; and a condition was made, between the purchaser and seller, that, if the streets should not be vacated, the sale was to be void and of no effect. Nineteen-twentieths of the inhabitants of Southwark signed a memorial to the legislature of this State, praying for an absolute vacation of the streets, and, for a time, there seemed to be no disapprobation. As soon, however, as it was ascertained that the purchase money was paid, and the title vested in the Navy Department, an opposition was created to the vacation of the streets, and interest sufficient was raised to prevent the legislature from complying with the wishes of a very large majority of the inhabitants of Southwark. The

matter thus rested until March, 1813, when, at the instance of the general government, the legislature of Pennsylvania passed an act (a copy of which is here enclosed,) authorizing the vacation of the streets for a limited period. This act has nearly expired, and it becomes necessary to have a renewal. It will be advisable that a communication be made from the Navy Department to the governor of the Commonwealth requesting the absolute vacation of all streets that are intended to be run through this yard, excepting Federal street, which street will not materially affect the property, and by giving it up freely it may have a tendency to lessen the opposition which may be made to the vacation of the other streets. I am, by no means, sanguine that such a proposition will meet with the approbation of the legislature, but it may be as well to ask for what, if taken away, would render this yard inconvenient and incomplete. At the present time, Federal street is the only one which is asked for, the state of improvement where the remaining streets intersect not being in sufficient forwardness to warrant the opening of them.

Accompanying this letter you will receive a plan of the Navy yard, with the different streets marked thereon. I earnestly recommend a purchase of a lot adjoining the Navy yard, now occupied as a rope walk, which may otherwise endanger the buildings on that line; for, in a late instance of a serious fire which took place in a rope walk next beyond it, our buildings were in great danger. This would add great value to the property, and enlarge our space, and, I presume, it might be had at a moderate sum.

Very respectfully, sir, your most obedient,

A. MURRAY.

Hon. SECRETARY *of the Navy.*

NAVY DEPARTMENT, *December* 20, 1817.

SIR: Your letter of the 12th instant, with the plan of the Navy yard and copy of the act of the legislature of Pennsylvania, are received.

In examining the original deed to the United States, I do not perceive any condition annexed to the sale in addition to the running of the contemplated streets, the right to do which, if interfering with the improvements and advantages of the Navy yard, must and will be disputed by the United States Government. I wish you to inform me whether the legislature of Pennsylvania has ever ceded to the United States the jurisdiction of the land acquired by purchase; and to state more explicitly what you know of the condition in the sale, to render it void in a certain event taking place. After hearing further from you upon the subject, I will write to Mr. Ingersoll, the United States district attorney, for his advice and opinion.

I am, very respectfully, &c., B. W. CROWNINSHIELD.

Com. ALEXANDER MURRAY, *Commandant Navy Yard, Philadelphia.*

NAVY YARD, *Philadelphia, December* 23, 1817.

SIR: I lose no time in replying to your letter of the 20th instant, and I applied to Mr. Joshua Humphreys, who negotiated the purchase of this property for the Navy Department.

The condition stated in my letter of the 12th instant was a fact, and I believe this condition was made in consequence of doubts being entertained whether the legislature would vacate the streets or not.

The streets were laid out by commissioners appointed under the act of assembly, 29th September, 1787, fourteen years before the purchase of the Navy yard.

The legislature of Pennsylvania have never, to my knowledge, ceded to the United States the jurisdiction of this yard.

Very respectfully, your most obedient servant, A. MURRAY.

The SECRETARY *of the Navy.*

NAVY DEPARTMENT, *January* 10, 1818.

SIR: I regret the necessity of troubling you with the enclosed papers in relation to the Navy yard at Philadelphia. Upon examination of the deeds, there does not appear to be a condition annexed to the sale, as stated by Commodore Murray; and should the legislature of Pennsylvania refuse to cede the jurisdiction to the United States, the property, by having the streets continued through it, will be rendered useless for the purposes of a Navy yard. The original proprietors cannot reasonably expect a restitution of the property by refunding the amount of purchase, as its value must be very much increased. I therefore request you to examine into the subject, so far as to give me your opinion of the actual state of the property, the prospect of obtaining an act of cession from the State, and how far the original proprietors can claim to annul the sale and deeds given by them, if unconditional.

I am, respectfully, &c.,

B. W. CROWNINSHIELD.

CHARLES J. INGERSOLL, ESQ., *U. S. District Attorney, Philadelphia.*

PHILADELPHIA, *January* 19, 1818.

SIR: I have received and read the papers enclosed in your letter dated the 10th inst., concerning the Navy yard. But, as it is impossible for me to give the opinion you require, without having either an original or complete copy of the deed of conveyance, on which I apprehend the question of law will depend, I must defer complying with your request until you favor me with that document.

In the meanwhile, I beg leave to state that, as it appears to me at present that all difficulties may be obviated by an act of the legislature of Pennsylvania, and, as the passage of such an act may depend, in a great measure, on the personal presence and assistance of some agent on the spot, at the seat of the State government, it is desirable to know whether the Navy Department would pay the expenses and compensation of such an agent.

Without State cession to the United States, I fear, from my present incomplete view of this subject, it will be involved in considerable embarrassment; and in case of a recession of the contract of sale, no allowance will be made for intermediate enhancement and improvements of the property.

You will at once perceive, therefore, sir, that a legislative grant, if to be obtained, is the shortest and cheapest, if not the only effectual and satisfactory mode of arranging the matter.

I have the honor to remain, sir, your obedient servant,

C. J. INGERSOLL.

The Hon. B. W. CROWNINSHIELD, *Secretary of the Navy.*

PHILADELPHIA, *March* 23, 1818.

SIR: I have the pleasure to enclose a copy of the act of assembly, which, having been introduced in the senate, passed the house of representatives of the general assembly of Pennsylvania, on the 20th inst., suspending indefinitely the former arrangements for opening through the Navy yard, which is not to be done without written consent from the Secretary of the Navy. I have reason to believe that there is no doubt of the governor's having signed this bill, which, when a law, will, I trust, answer the purpose desired as to this business. Should it be deemed important that an act of cession should still be obtained from the State to the United States, application for that purpose can be made to the next legislature with all the advantages of deliberate preparation.

Their present session ends to-morrow, which left no time for the attempt this year. It would, moreover, have hazarded the measure already accomplished to have embarrassed it by connection with the other.

I beg leave to request your order on the Treasury for the sum of two hundred and fifty dollars, for my extra professional services in this transaction; and remain,

Very respectfully, your obedient servant, C. J. INGERSOLL.

The SECRETARY *of the Navy.*

Extract of a letter addressed to C. J. Ingersoll, Esq., United States district attorney, Philadelphia, by the Secretary of the Navy, dated—

MARCH 28, 1818.

I have had the honor to receive your letter of the 23d inst., enclosing a copy of the act of the legislature of Pennsylvania, suspending the former arrangements for opening streets through the Navy yard, at Philadelphia.

NAVY DEPARTMENT, *April* 21, 1818.

SIR: I transmit to you, herewith, the papers received from a committee of the district of Southwark, relative to the continuation of Federal street to the water, which, it appears, will take off from the Navy yard an angle of the land on the northwest corner.

I request you to ascertain correctly the quantity of ground, in square feet, thus to be separated, and to state to me fully the effects which it will produce upon the general accommodation and convenience of the Navy yard; and how far, in your opinion, and the joint opinion of others, whom you may think proper to call upon, it would be expedient to comply with the request, and the injury, if any, which may affect the public interest. In addition to which, I wish to know the estimated value of the ground; how it is proposed to pay for it; and the increased necessity arising therefrom to build the wall on that side the whole extent of the Navy yard; and how far the proceeds of the land to be disposed of will cover the expense of building the whole wall around the Navy yard. You will be pleased to communicate the object to the gentlemen of the committee, in order that the subject may be fairly understood before a definite answer be given to their application.

By order of the Secretary of the Navy. B. HOMANS.

Commodore ALEXANDER MURRAY, *Commanding Naval Officer, Philadelphia.*

NAVY YARD, *Philadelphia, April* 29, 1818.

SIR: I should have replied earlier to your letter of the 21st, respecting this Navy yard, as relates to the communications enclosed therein from the committee appointed by the corporation to solicit of you the grant of a continuance of Federal street through this yard.

I have had a meeting with the committee yesterday, and also some respectable citizens, to examine the premises, and, I believe, I fully convinced the gentlemen that, should that street be continued, it would most materially cramp us as to the remaining space, and nearly ruin the yard; but, to deal with them in the spirit of accommodation, to make the district some recompense for the streets which they have lost, and to prevent all future collision or disquietude on the subjeet, I have proposed to grant

them, with your approbation, ten or twelve feet to widen Prime street, *which is too narrow at present*, for, in case of fire on the opposite side, our buildings might be in danger; and in order to give an easier entrance from Federal street into Prime street, we have proposed to take off the corner of that and Front street, fifty feet each way, as will appear by the returned draft. These arrangements will not prejudice the property, as you will observe by the dotted lines on the draft, and be satisfactory to the parties concerned.

To open Federal street would take off 25,000 feet. The gore left between the northern side of Federal and south side of Prime street would contain 12,500; to widen Prime street twelve feet, and to take off the northwest corner each way, that is, fifty feet on Front, fifty feet on Prime street, would take off 7,670 feet. As to the value of the ground yielded, that must be assessed by a jury.

Should this arrangement meet your concurrence, it would be of great importance to the yard if you will consent that a wall should be built without delay, at least on Prime street, as the old fence is quite decayed, and no security against intruders.

Very respectfully, sir, your most obedient, A. MURRAY.

Hon. SECRETARY *of the Navy.*

NAVY DEPARTMENT, *May* 8, 1818.

SIR: In reply to your letter of the 29th ultimo, with a sketch of the strip of land on the plot of the Navy yard, which it was considered advisable to cede to the committee appointed by the corporation, to enable them to widen Prime street, I agree to the proposition, and authorize you to take the proper measures to have the said strip of land valued by a jury, and make such terms for the payment as will enable you to run a brick wall of —— feet in height the whole length of Prime street, from the water to Front street. The fence on Front street may be so repaired for the present as to keep out intruders and others from the Navy yard. When the value of the ground to be ceded shall be fairly estimated, I request you to ascertain the amount of cost for the brick wall, in order to see how far the land will pay for it, or how far exceed the value.

I am, respectfully, &c., B. W. CROWNINSHIELD.

Commodore ALEXANDER MURRAY, *Commanding Naval Officer, Philadelphia.*

NAVY YARD, *Philadelphia, June* 25, 1818.

SIR: Having written several times on the subject of necessary improvements to this yard, which has, in some measure, been delayed for want of information from the board of commissioners of this district, I have at last received their letter on the subject, which I beg leave to lay before you for consideration. The sentiments therein expressed, I think, are liberal and just, and hope you will decide in favor of them, and that you will direct us to commence the operation without delay, as the old enclosure affords us no security, and giving up the small slip of ten feet on Prime street is of no moment or loss to the yard, but adds to its security by giving us a wider street, and separation from the opposite buildings, in case of fire, and will be the means of preventing all future collision of parties; I trust you will accede to this proposition.

It is true, that the other sides of this site are, in some measure, in better repair, but there is a necessity for an entire wall all round the premises; we shall then be secure, and ultimately it will be a saving to the United States.

Very respectfully, your most obedient servant, A. MURRAY.

Hon. SECRETARY *of the Navy.*

PHILADELPHIA *June* 20, 1818.

SIR: Having seen a copy of a letter from the Secretary of the Navy to you, which has arisen from one we did ourselves the honor to write to him by direction of the board of commissioners of the district of Southwark, and supposing one of the objects for which we were appointed can be obtained through you, we take the liberty of stating to you the purpose for which we were appointed, and the justice and equity of our request. On the application to the legislature of this State, by the agents of the United States, for the vacation of the streets that run through and intersect the Navy yard, the corporation of the district, with a liberality and zeal that at that time was thought praiseworthy, unanimously forwarded to the legislature a recommendation of the application, and requested their immediate representatives in that body to forward the views of the United States with their votes and influence, under the impression that Federal street would not be included in the vacation. The commissioners, finding the street (which is of most importance to the district, and, as they thought, least important to the Navy yard) vacated, could see no prospect of redress but in the justice and liberality of the general government, and directed the undersigned to address the honorable the Secretary of the Navy, and endeavor to obtain the opening of Federal street, and, if we failed in that, to procure the widening of Prime street. In pursuance of this duty, we addressed a letter to the honorable Secretary, to which we have received no answer, but which we presume has produced his communication to you on that subject.

We conceive the United States are bound in justice to open Federal street, it being so very important to the district, unless it is of such vital importance to the naval establishment that it must not be done. If so, we must submit, particularly as the arm of law is (by our confidence) taken from us, and placed in the power of the general government. You will please, sir, to recollect that, at the time the commissioners recommended the vacating the streets through the Navy yard, the district had the legal right to said streets, without making any compensation, and that the purchase was made for the United

States, subject to the district having this right, yet the commissioners never once thought of asking compensation for giving up said streets; this was from a desire to aid the general government, as well as from a belief that the location of the Navy yard would be an advantage to this district. It has been intimated to us that the honorable Secretary of the Navy is willing to widen Prime street, as a compromise for Federal street, on condition the ground should be valued and paid for; how very different this, from the act of the commissioners! We can only reply to this, that the commissioners have no funds that they can appropriate to such purposes, without a breach of the act of incorporation. As all appropriations for opening new streets, roads, &c., by law fall on the county commissioners, they, not being interested, and perhaps not bound by law, will refuse to pay for widening this street. Now, sir, from your knowledge of how much more importance Federal street would be to this district than the widening of Prime street, and when you consider the conduct of the commissioners in this business, we confidently trust that your interest with the honorable Secretary of the Navy will be used for the widening Prime street without requiring any compensation.

We are, sir, very respectfully, your obedient, humble servants,

J. M. LINNARD,
PHINEAS ELDRIGE,
JOHN TURNER, Jr.,
Committee.

Alexander Murray, Esq., *U. S. Navy, Philadelphia.*

Navy Department, *July* 14, 1818.

Sir: In the letter addressed to you on the 8th day of May last, authority was given to you to cede to the committee, appointed by the board of commissioners of the district of Southwark, a strip of land for the purpose of widening Prime street, on condition that the value of the land to be ceded as aforesaid should be ascertained, and the amount thereof paid to this Department. Since that time, your letter of the 25th ultimo, enclosing a communication from the said committee, has been received; and the Secretary of the Navy, after proper deliberation upon the subject, and considering the liberal course pursued by the corporation of Southwark, has given his assent to the cession of the said strip of land, for the purpose of widening Prime street, without requiring from the corporation any compensation; and you are hereby authorized to take the necessary measures for the accomplishment of this object. The state of our appropriations will not justify at this time the erection of a wall around the whole premises, but you will please to furnish an estimate of the length, height, and probable cost of a wall of brick, running the entire length of Prime street, from the water to Front street, and it will be decided whether the same shall be built during the present season.

By order of the Secretary of the Navy.

I am, very respectfully, &c.,

BENJ. HOMANS.

Com. Alex. Murray, *Commandant U. S. Navy Yard, Philadelphia.*

Navy Department, *August* 23, 1823.

Sir: The item of $703.50, in your requisition of the 19th instant, to pay bills rendered by the collector of taxes, requires explanation. The claim is entirely new to me, and I request that you will furnish me with information as to the grounds on which such a charge is made against property belonging to the United States.

I am, respectfully, &c., SMITH THOMPSON.

Geo. Harrison, Esq., *Navy Agent, Philadelphia.*

Philadelphia, *August* 25, 1823.

Sir: So many years have elapsed since taxes were assessed and paid by me by *order* of the Department that I cannot immediately lay my hand on my early vouchers, but they shall be forwarded to you with as little delay as possible. I well recollect to have resisted the payment for a long time, when it was finally ordered they should be paid.

I am, very respectfully, sir, your obedient servant, GEO. HARRISON.

To the honorable Smith Thompson.

Navy Department, *March* 15, 1824.

Sir: Let the taxes assessed on the United States Navy yard at Philadelphia be paid, but with an explicit statement that the payment is not to be considered as an admission of the right or propriety of demanding it. This subject will be investigated as soon as leisure will permit.

We are not subject to the same inconveniences elsewhere, and it would be better to abandon the yard and station altogether than to submit to it much longer.

I am, very, &c., SAM'L L. SOUTHARD.

George Harrison, Esq., *Navy Agent, Philadelphia.*

PHILADELPHIA, *October* 26, 1824.

SIR: I have received your circular of the 21st, and its enclosure; and, in compliance with your order, I submit the following in relation to the several inquiries embraced in the resolution.

By an act of Congress, 25th February, 1799, provision was made for constructing docks for the convenience of repairing the public ships and vessels, under the direction of the President. In pursuance of this act a site was purchased in the district of Southwark, and conveyances were executed, vesting the property in the United States. It does not appear that the executive of this State was consulted, consent asked, or obtained. The conveyances were made from several individuals direct to the United States, as will appear from the following:

One deed is dated 20th January, 1801, from William and John Allen, of the State of New Jersey, of one lot or piece of ground containing in breadth, on Front street, 9 perches 4½ feet, and in length or depth about 46 perches, to the river Delaware.

One other deed, dated 20th February, 1801, from Anthony Morris, of this city, conveying a piece of ground containing, on Front street, and adjoining the above, 14 perches 10 feet, and in length or depth 676 feet, into the river Delaware.

One other deed, dated 20th February, 1801, from Luke Morris, of New Jersey, conveying a lot containing, on Front street, and adjoining the above, 9 perches 17 feet, and extending into the Delaware.

The foregoing three lots being on Front street 33 perches and 5½ feet north and south, and extending from east to west into the Delaware.

Application was made in the year 1801, to the legislature of this State, to vacate Swanson street, a street running north and south, and to be extended through the Navy yard, but it was rejected. A second application was made in 1818, when a law was passed on the 23d of March, suspending the previous laws relative to the laying out of the streets in the district of Southwark, and declaring that no street, lane or alley shall at any time be opened within the said Navy yard, without the consent, in writing, of the Secretary of the Navy for the time being, first had and obtained.

This embraces all the circumstances, relative to the real estate held for naval purposes within the limits of this State, that it is in my power to communicate.

I am, very respectfully, your obedient, GEORGE HARRISON.

To the Hon. S. L. SOUTHARD, *Secretary of the Navy.*

NAVY DEPARTMENT, *January* 28, 1825.

SIR: The Navy yard at Philadelphia is regularly taxed by the State, or corporation of the city, every year, and the government is obliged to pay from $400 to $700 on that account.

This is a grievance which has already done much injury to the establishment, and will hereafter do more. It is the only instance in which the same inconvenience exists.

Is it not possible, through your instrumentality, to obtain such a law from the legislature of Pennsylvania, now in session, as will avoid it for the future?

I am, very respectfully, &c., SAMUEL L. SOUTHARD.

Hon. JOSEPH HEMPHILL, *in Congress.*

A similar letter was, on the same day, addressed to the Hon. D. H. Miller and Hon. S. Breck.

WASHINGTON CITY, *January* 29, 1825.

SIR: I have the honor to acknowledge the receipt of your communication of yesterday, on the subject of the tax paid on the Navy yard at Philadelphia.

We have no State tax in Pennsylvania; nor does the authority of the corporation of Philadelphia extend so far south.

I presume the tax to which you refer must be levied in pursuance of a regulation of the "district of Southwark," under authority derived from the State legislature, which, of course, cannot be annulled without the consent of that "district." Unfortunately, the people of Southwark at present entertain unfriendly feelings toward both the Navy yard and State legislature, in consequence of a refusal on the part of the latter to pass a law authorizing a street or streets to be opened through the former, for the purpose of extending improvements along the river Delaware, below the Navy yard. I will, however, with pleasure, use my best exertions to effect a remedy of the grievance of which you complain. If you are certain that no tax is imposed on either of the other Navy yards, I presume it will go far toward effecting the object in respect to that at Philadelphia.

I am, with great respect, your most obedient servant, D. H. MILLER.

Hon. SAM'L L. SOUTHARD.

WASHINGTON, *January* 31, 1825.

SIR: I have the honor to acknowledge the receipt of your letter of the 28th of this month, stating that the Navy yard at Philadelphia is regularly taxed, and asking whether, through the instrumentality of the State legislature, this property may not be exempted from taxation.

The taxes in question are altogether of a municipal character, because we have no State tax; and there are, on our statute book, laws exempting certain real estate from corporation and other taxation.

I have sent to the legislature six copies of your letter, with a request that the gentlemen to whom they were addressed would take the subject into immediate consideration.

I am, sir, with great respect, your most obedient, SAMUEL BRECK.

Hon. SECRETARY *of the Navy.*

HOUSE OF REPRESENTATIVES, *February* 7, 1825.

DEAR SIR: I forwarded the note you sent me, relating to the taxation of the ground at the navy yard in Philadelphia, to the members of assembly from the city of Philadelphia, at Harrisburgh.

I remain, your obedient servant,

JOS. HEMPHILL.

SAMUEL L. SOUTHARD, *Secretary of the Navy.*

PHILADEDPHIA, *March* 12, 1825.

SIR: I received the enclosed notice this day. Mr. Collector Snyder is anxious to *touch* his commissions.

I am, very respectfully, your obedient,

GEORGE HARRISON.

To the honorable SAMUEL L. SOUTHARD, *Secretary of the Navy.*

"FEBRUARY, 14, 1825.

"In conformity with the provisions of the act of assembly, entitled 'An act relating to taxes on certain real estate in the city and county of Philadelphia,'

"NOTICE.

"You are hereby notified that the following taxes are due and unpaid on certain real estate, situate in the district of Southwark, in the county of Philadelphia, assessed in the name of the United States, to wit, the navy yard and buildings:

County	$201 00
Poor	274 70
	$475 70

"And that, if the said taxes are not paid to me before the first day of April next, the same will be registered, and that an addition of six per centum will be charged thereon until paid, according to the provisions of the act of assembly, passed on the third day of February, 1824, entitled 'An act relating to taxes on certain real estate in the city and county of Philadelphia.'

"My residence is No. 271 South Second street, county of Philadelphia.

"GEORGE C. SNYDER, *Collector.*

"GEORGE HARRISON, Esq., *Navy Agent.*

"Received Saturday morning, March 12, 1825."

NAVY DEPARTMENT, *March* 16, 1825.

SIR: You are hereby authorized to pay the taxes due on the United States Navy yard and buildings, as per notice enclosed in your communication of the 12th instant.

I am, respectfully, &c.,

SAMUEL L. SOUTHARD.

GEORGE HARRISON, Esq., *Navy Agent, Philadelphia.*

NAVY DEPARTMENT, *April* 4, 1826.

SIR: By a letter from you, dated January 29th, 1825, I was informed that you would use your best exertions to relieve the Navy yard at Philadelphia from taxation. May I beg the favor of you, to inform me what means were used and the result.

I wish the information to enable me to answer the resolution of the House of Representatives on the subject.

I am, very respectfully, &c.,

SAMUEL L. SOUTHARD.

Honorable D. H. MILLER, *House of Representatives.*

WASHINGTON CITY, *April* 5, 1826.

SIR: In reply to your note of yesterday, I have to state that, in conformity with your request that I would use my exertions to have the Navy yard at Philadelphia exempted from taxation, I enclosed a copy of your note to me to the speaker of the house of representatives of Pennsylvania, and also wrote to several other members of the legislature, recommending a compliance with your wishes, but am not informed what measures were taken in relation thereto. I am, however, inclined to believe that if the subject was brought before the legislature, it was not finally acted upon.

I am, with great respect, your obedient servant,

D. H. MILLER.

Hon. S. L. SOUTHARD, *Secretary of the Navy.*

PHILADELPHIA, *April* 20, 1826.

SIR: The Philadelphia chamber of commerce, having observed a proceed ng in the House of Representatives of the United States instituting an inquiry "whether taxes have been imposed or paid on the Navy yard near the city of Philadelphia," conceived it a duty to express an opinion on the impropriety of this property being subject to taxation under the authority of the State; this opinion, together with an assurance that so far as the influence of the chamber extends there will be an exertion to prevent it, I have the honor to enclose in an official copy of a resolution which passed the chamber this day.

With sentiments of the highest respect, I have the honor to be, sir,

Your most obedient and very humble servant,

ROBERT RALSTON, *President of the Philadelphia Chamber of Commerce.*

Honorable SAMUEL L. SOUTHARD.

PHILADELPHIA, *April* 20, 1826.

The chamber having reason to believe that the establishment of a Navy yard in the port of Philadelphia is calculated to promote not only the general interests of the city, but also its commerce, have observed with solicitude that an assessment for taxes has been made or contemplated to be made on the property belonging to the United States in this establishment, a measure which may lead to injurious consequences; it is, therefore,

Re olved, That in the opinion of this chamber there will be a great propriety in exempting from taxation the grounds, with the improvements thereon, occupied by the United States, within the enclosure of the Navy yard, and that so far as the influence of this chamber extends it will be exerted with the State authorities to procure such exemption.

True extract from the minutes of the chamber of commerce, of the city of Philadelphia, at a meeting held this day.

JOHN VAUGHAN, *Secretary.*

19TH CONGRESS.] **No 314.** [1ST SESSION.

ON THE PROPRIETY OF CAUSING THE REMAINS OF THE LATE CAPTAIN O. H. PERRY TO BE REMOVED TO THE UNITED STATES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MAY 4, 1826.

Mr. STORRS, from the Committee on Naval Affairs, who were directed by a resolution of the House of Representatives, of the 6th day of February last, to inquire into the propriety of causing the remains of the late Captain O. H. Perry to be removed to the United States, reported:

That they have considered the subject referred to them by the said resolution, and they are of opinion that no legislative act whatever is necessary to accomplish the object of the resolution. It does not appear that any application has been made, on behalf of the relatives of the late Captain Perry, to the Navy Department, for the purpose of removing his remains, and the committee do not doubt that, whenever any such request shall be made, it will be promptly complied with. As no appropriation can be required for effecting the object of the resolution, it being within the power and discretion of the government already, whenever an application for the purpose shall be made from, or on behalf of, his relatives, (and whose wishes on this subject should, in the opinion of the committee, be expressed or known, before the Navy Department could, with propriety, take any step for the purpose,) they are of opinion that it is inexpedient to act further on the subject of the resolution, and recommend that the committee be discharged from the further consideration of the subject referred to them by the said resolution.

19TH CONGRESS.] **No. 315.** [1ST SESSION.

ON A CLAIM TO COMPENSATION FOR THE USE OF CERTAIN PATENTED IMPROVEMENTS IN SHIP BUILDING.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MAY 6, 1826.

Mr. STORRS, from the Committee on Naval Affairs, to whom was referred the petition of John Thomas and John L. Sullivan, reported:

That the said John Thomas represents in the said petition that he has invented certain improvements in the building of ships—in framing them so as to prevent decay, in planking, and in various other respects, and that he is also the inventor of certain labor-saving machines, and of improvements in railway docks, for many of which said inventions and improvements he alleges that he has obtained patents from the United States. He further states that some of these inventions and improvements have been

used in the naval service of the United States, and that they are all of great utility, and deserving of the patronage of Congress. He prays that Congress would grant him some equitable compensation for the use and benefit of his patented improvements, and for the remainder of the term to which his exclusive privileges extend, if they shall be found from experience to be of utility; and the said John L. Sullivan, who alleges that he is interested in the said application, joins with the said Thomas in the said petition.

The said petition is unaccompanied with any proofs or authentic documents relative to the allegations therein contained, and the committee recommend to the House the following resolution:

Resolved, That the Committee on Naval Affairs be discharged from the further consideration of the said petition, and that the petitioners have leave to withdraw their petition.

19TH CONGRESS.] No. 316. [1ST SESSION.

ON A CLAIM TO PAY AS A SEAMAN, WITHHELD FOR ALLEGED DESERTION.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MAY 6, 1826.

Mr. STORRS, from the Committee on Naval Affairs, to whom was referred the petition and papers of James P. Durand, reported:

That the said James P. Durand represents that he was a seaman, enlisted into the service of the United States in the year 1804 for the term of two years; that he served out the said time, and for some months afterwards, and returned from the Mediterranean service to the United States in the ship Constitution, in the fall of the year 1807, the said ship having then arrived at the port of Boston; that she was ordered round to New York, and the petitioner went on shore the day before she sailed and did not return to the ship before she left Boston, on the next day; that he took passage on board a brig (the Betsy) bound to France, but intending to touch at New York; that she was blown off the coast, and went direct to France. The petitioner now alleges that he did not intend to desert from the Constitution, but that on the night before the ship sailed he was engaged in a frolic, overslept himself next morning, and in consequence thereof the Constitution sailed without him.

The committee are of opinion that it is not satisfactorily shown what the intention of the petitioner was in going ashore and absenting himself from the ship, and that it is not expedient to give any relief in this case by act of Congress, and recommend to the House the following resolution:

Resolved, That the petitioner have leave to withdraw his petition and papers.

19TH CONGRESS.] No. 317. [1ST SESSION.

ON THE EXPEDIENCY OF INCREASING AND REORGANIZING THE MARINE CORPS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MAY 6, 1826.

Mr. STORRS, from the Committee on Naval Affairs, who were directed to inquire into the expediency of increasing and reorganizing the marine corps, reported:

That the present number of privates in the marine corps, authorized by law, (act of 3d March, 1817,) is seven hundred and fifty, and the distribution of the corps is exhibited in the document accompanying this report, marked No. 1, C. Since this return was furnished, requisitions have been further made on the said corps for men to serve in the Macedonian, Vincennes, and Lexington, which are ordered to be fitted for sea. The committee are of opinion that the public service indispensably requires that the number of privates in the said corps should be augmented. The marines now serving at the Navy yard cannot be withdrawn from their duties without serious inconvenience and injury to the service, and the number of them now on duty at the said yard is not more than adequate to the duties required of and necessary to be performed there. The committee respectfully refer the House to the communication of the Secretary of the Department of the Navy, of the 3d of May, instant, and the correspondence accompanying the same, as showing the urgent necessity of increasing the number of privates in the said corps at this time. It does not appear to the committee that the public interest requires any augmentation to the number of officers. They are of opinion that the additional number of 200 privates will be fully adequate to the demands of the service, and have directed a bill to be reported for that purpose.

NAVY DEPARTMENT, *May* 3, 1826.

SIR: That you may be fully apprised of the situation of the marine corps at the present time, I have the honor to transmit to you copy of a letter received from the commandant of that corps, and also of my reply to the same.

I am, respectfully, &c., SAMUEL L. SOUTHARD.

Hon. HENRY R. STORRS, *Chairman Naval Committee, House of Representatives.*

HEAD-QUARTERS OF THE MARINE CORPS, *Washington, May* 2, 1826.

SIR: I have to report that the marine corps has now rather more than its legal strength, and that guards are to be furnished for the Macedonian and Vincennes, and the guard of the Brandywine to be completed, fifteen of her guard having been detained in the Mediterranean to supply deficiencies in the squadron, by order of Commodore Rodgers. You are already acquainted with the condition of the guards at the different navy yards, and of their inadequacy to the protection of the public property within them.

It is a duty I owe to myself, as well as to the public service, to make this statement, in order that no responsibility may rest on me in case of any public loss from this cause.

I have the honor to be, very respectfully, your obedient servant,

ARCHIBALD HENDERSON, *Lieut. Colonel Commandant.*

The Hon. SAMUEL L. SOUTHARD, *Secretary of the Navy.*

P. S.—I received a letter yesterday from Colonel Smith, saying that the Vincennes would require a guard in a few days. I am unable to furnish it, as the corps is now distributed. Unless one of the guards at the yard is removed, it is impossible to supply the guard.

NAVY DEPARTMENT, *May* 3, 1826.

SIR: I have received your letter of the 2d inst., reporting the situation of the corps, and the difficulty of supplying the guards required by the vessels now fitting for sea. Should no provision be made for the increase of the corps before the end of the session of Congress, I shall direct two or more of the guards at our Navy yard to be broken up, and supply their places by watchmen.

In the meantime, no order can well be given on the subject. You will delay furnishing a guard for the Vincennes, and may, if necessary to provide for the Lexington and Macedonian, take part of those in the Brandywine. Their places may be supplied before that vessel is ready for sea.

I am, very respectfully, &c.,

SAMUEL L. SOUTHARD.

Lieut. Colonel A. HENDERSON, *Commandant Marine Corps, Head-Quarters.*

No. 1.—C.

Distribution of the marine corps.

AT SEA.

	Captains.	1st Lieutenants.	2d Lieutenants.	Sergeants.	Corporals.	Musicians.	Privates.
North Carolina, 74	1	1	1	4	4	4	77
Frigate Brandywine	.....	1	1	3	3	4	39
Frigate United States	.....	1	.....	3	2	2	38
Frigate Constitution	.....	1	.....	3	3	2	41
Frigate Constellation	.....	1	1	3	2	3	33
Corvette John Adams	.....	1	.....	2	2	2	20
Sloop Hornet	.....	1	.....	1	1	.....	15
Sloop Peacock	.....	1	.....	2	2	2	12
Sloop Cyane	.....	.....	1	1	1	1	25
Sloop Erie	.....	1	.....	1	1	1	19
Sloop Ontario	.....	.....	1	1	2	1	20
Brig Spark	.....	.....	.....	.....	2	.....	12
Schooner Grampus	.....	.....	.....	1	2	.....	6
Schooner Shark	.....	.....	.....	1	2	.....	12
Schooner Porpoise	.....	.....	.....	1	1	.....	10
Schooner Fulton	.....	.....	.....	2	2	.....	12
Schooner Alert	.....	.....	.....	1	2	.....	8
Sloop Boston	.....	1	.....	2	2	.....	20
Total at sea	1	10	5	32	37	22	419

No. 1.—C—Continued.

ON SHORE.

	Captains.	1st Lieutenants.	2d Lieutenants.	Sergeants.	Corporals.	Musicians.	Privates.
Head-quarters	.....	1	3	5	5	10	14
Employed as armorers, carpenters, &c	.....	.....	.....	.....	1	.....	13
Clerks to the commandant and staff	.....	.....	.....	5	1	.....	
Capitol and magazine guard	.....	.....	.....	2	1	.....	11
Navy yard, Washington	1	.....	1	1	3	1	27
New Orleans	.....	.....	.....	.....	1	.....	5
Gosport	1	2	2	5	5	2	42
Small vessels	.....	.....	.....	.....	4	.....	15
Philadelphia	1	2	1	5	6	1	46
New York	2	3	1	4	4	1	33
Boston	1	2	1	4	6	2	36
Portsmouth, N. H.	1	1	2	3	4	2	29
On furlough	.....	1	.....	.....	.....	.....	
Staff	1	2	.....	.....	.....	.....	
Learning music	.....	.....	.....	.....	.....	.....	18
Waiters, and commutation for waiters	.....	.....	.....	.....	.....	.....	36
Total	8	14	11	34	41	19	325

RECAPITULATION.

	Captains.	1st Lieutenants.	2d Lieutenants.	Sergeants.	Corporals.	Musicians.	Privates.
At sea	1	10	5	32	37	22	419
On shore	8	14	11	34	41	19	325
Total	9	24	16	66	78	41	744

At head-quarters.

One sergeant major, one quartermaster's sergeant, one drum major, one fife major.

A general return of the officers, non-commissioned officers, musicians, and privates of the United States marine corps, for the month of January, 1826.

Stations.	Lieut. Cols.	Captains.	1st Lieuts.	2d Lieuts.	Non-com'd staff.	Sergeants.	Corporals.	Musicians.	Privates.	Aggregate.	Remarks.
Head-quarters	1	1	4	3	4	12	7	10	60	102	1 captain and 2 first lieutenants in the staff. Lieut. Auchmuty on furlough for 12 months, from April 1, 1825. 17 privates returned here, are learning music. 5 sergeants, 3 corporals, 9 privates, on daily duty. 1 sergeant, 1 corporal, 6 privates, detailed as a guard, (at night,) during this month, for the capitol.
Navy yard, D. C.....	....	1	....	1	....	1	3	1	27	34	Lieut. Crabb, who was ordered to Philadelphia on the 22d ult., as a member of the general court-martial, returned to this post on the 9th inst.
Magazine guard, D. C..	....	....	....	....	....	1	1	....	5	7	
New Orleans.....	....	....	....	....	....	....	1	....	5	6	June 30, 1825.
Gosport, Va.....	....	1	2	2	....	5	5	2	42	59	Lieut. Smith joined this post on the 11th inst. from head-quarters; Lieut. Grimes, ordered to head-quarters on the 27th ult., reported himself at head-quarters on the 9th inst., and on the 11th, absent, with leave, till March 1st, 1826, when he is to report himself at Norfolk, Va., for duty.
West India station	....	....	....	....	....	....	3	....	6	9	See remarks in relation to these men on the last general return, since which a letter has been received from Lieut. Bloodgood, in which he says he cannot account for them. A size roll of them has been sent to Capt. Twiggs, with a request that he will apply to the purser of the station to know if he can account for them.
Barrancas, West Florida	....	....	....	....	....	....	1	....	9	10	See remarks on the general return for November, 1825.
Philadelphia.....	....	1	2	1	....	6	7	1	66	84	Privates Green and Hunter are still in charge of the civil authority. Corporal Ira Hill joined this post, from the Mediterranean, this month.
New York	....	2	3	1	....	4	5	1	33	49	See remarks on the general return for last month in relation to Capt. Freeman and Sergeant Meyers. Lieut. Ross ordered to the John Adams on the 25th inst.
Charlestown, Mass.....	....	1	2	1	....	4	6	2	36	52	See remarks on the general return for last month in relation to Captain Harris.
Portsmouth, N. H.....	....	1	1	2	....	3	4	2	29	42	Lieut. Reynolds ordered to Charlestown, Mass., on the 3d inst., as a member of a general court-martial.
North Carolina 74	....	1	1	....	....	4	4	4	76	90	October 31, 1825.
Frigate Brandywine	....	....	1	1	....	3	3	4	37	49	October 31, 1825.
Frigate United States...	....	....	1	....	....	3	2	2	38	46	December 31, 1824.
Frigate Constellation ...	....	....	1	1	....	3	2	3	33	43	December 31, 1825.
Frigate Constitution	....	....	1	....	....	3	3	2	40	49	October 31, 1825.
Ship John Adams	....	....	1	....	....	1	2	1	10	15	
Ship Hornet	....	....	....	1	....	1	1	....	15	18	December 31, 1825.
Ship Peacock	....	....	1	....	....	2	2	2	12	19	December 31, 1824.
Ship Cyane	....	....	....	1	....	2	2	1	25	31	December 31, 1825, muster roll furnished by Lieut. Col. Smith.
Ship Erie.....	....	....	....	1	....	1	2	1	19	24	October 31, 1825.
Sloop-of-war Ontario ...	....	....	....	1	....	1	2	1	20	25	August 31, 1825.
Brig Spark	....	....	....	....	....	....	2	....	12	14	July 31, 1825. See remarks on the general return for August, 1825.
Schooner Grampus.....	....	....	....	....	....	1	2	....	6	9	December 31, 1825.
Schooner Shark	....	....	....	....	....	1	2	....	12	15	July 31, 1825. See remarks on the general return for September, 1825.
Schooner Porpoise	....	....	....	....	....	1	1	....	10	12	
Receiving ship Fulton ..	....	....	....	....	....	2	2	....	12	16	
Receiving ship Alert....	....	....	....	....	....	1	2	....	8	11	Sergeant Ryan sick in the hospital, Gosport, Va.
On furlough	....	....	1	....	....	....	....	....	....	1	Lieut. Tupper. See remarks on the general return for November, 1825, in relation to him.
Under orders.....	....	....	1	....	....	....	....	....	....	1	Lieut. Delany. See remarks on the general return for November, 1825, in relation to him.
Total.	1	9	23	17	4	66	79	40	703	942	

Lieut. Douglass entitled to promotion from April 26, 1825, vice Lieut. Gardner, deceased. The men on board the Sea Gull, Weasel, Beagle, and Fox, as well as the small vessels attached to the West India squadron, are returned at the West India station.

PARKE G. HOWLE, *Adjutant and Inspector.*

19TH CONGRESS.] No. 318. [1ST SESSION.

ON THE EXPEDIENCY OF CONSTRUCTING DRY DOCKS FOR REPAIRING SHIPS-OF-WAR.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MAY 8, 1826.

Mr. BARTLETT, from the Committee on Naval Affairs, to whom was referred the communication from the Secretary of the Navy, of the 30th of March last, relative to the expediency of constructing at one or more of the navy yards of the United States, a dry dock, for receiving, examining, and repairing ships-of-war, reported:

That they deem the subject one of very great importance to the interests of the nation. They coincide fully with the views of the Department as to the necessity of the construction of dry docks, as well for convenience, as economy in the repairs and preservation of our navy. But the committee are of opinion that such work cannot, with propriety, be commenced, until more accurate and minute information shall be obtained of the proper location, extent, and cost of such docks as our service may require. They, therefore, recommend the adoption of the following resolution:

Resolution directing surveys and estimates for dry docks.

Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled, That the President of the United States cause an examination and accurate survey to be made, by a skillful engineer, of a site for a dry dock, at the Navy yard at Portsmouth, New Hampshire, Charlestown, Massachusetts, Brooklyn, New York, and Gosport, Virginia, and that such engineer be required to state the dimensions necessary for such docks, the advantages of each of the above named places for such establishment, the objections that apply to either, with a detailed estimate of the expense of a suitable site, and of constructing a dock at each of said places; and that the President be requested to communicate the same to Congress in the first week of the next session.

(This resolution passed both Houses of Congress, and was approved by the President the 22d of May, 1826.)

19TH CONGRESS.] No. 319. [2D SESSION.

ANNUAL REPORT OF THE SECRETARY OF THE NAVY, SHOWING THE CONDITION OF THE NAVY IN THE YEAR 1826.

COMMUNICATED, WITH THE PRESIDENT'S MESSAGE, DECEMBER 5, 1826.

The following report is respectfully submitted to the President of the United States by the Secretary of the Navy:

On the 2d January, 1823, the law entitled "An act to increase the navy of the United States" authorized the building of four ships, to rate not less than 74 guns each, and six ships to rate 44 guns each.

On the 29th of April, 1816, the law entitled "An act for the gradual increase of the navy of the United States" was passed, and authorized the building of nine ships, to rate not less than 74 guns each, and twelve ships to rate not less than 44 guns each, including within these numbers *one* 74 and *three* 44 gun ships, authorized by the preceding act. By these two laws, therefore, twelve ships of not less than 74 guns, and fifteen ships of not less than 44 guns, were directed te be built.

Of these twelve 74s, seven have been launched, and five are in various stages of forwardness. Of the fifteen 44s, one was burnt on the stocks in the Navy yard at Washington, in the year 1814, and may be considered as replaced by the one lately purchased; four have been launched; seven are on the stocks; and the frames of the remaining three have been contracted for. (See paper I, accompanying the report of the Navy Commissioners.)

By the law of the 2d January, 1813, $2,500,000 were appropriated; by that of 29th April, 1816, and a subsequent law of 3d March, 1821, $8,000,000 were appropriated to carry the object of those laws into execution, amounting in all to $10,500,000. The appropriation of $8,000,000 included a previous sum of $600,000 for "the purchase and supply of a stock of every description of timber required for ship building and other naval purposes." This appropriation expires with the present year. It was not founded on any specific estimate of the cost of building and equipping the number of vessels authorized, and is not sufficient to accomplish the object. What addition may be necessary, there are not competent means within the reach of the Department at this time to ascertain with accuracy. Nothing more, however, will be required during the next year, as there remain, of the former appropriations, about $800,000, which is more than can be usefully expended.

At the time of the passage of the law of 1816, there were three ships of the line, the Independence, Washington, and Franklin; four frigates of the 1st class, the Constitution, United States, Guerriere, and Java; and three of the 2d class, the Congress, Constellation, and Macedonian. These, added to the number authorized by the law before mentioned, and the frigate purchased in August last, under the authority of the law of 17th May, 1826, will give, when they are all completed, twelve ships of the line, seventeen frigates of the 1st class, and three frigates of the 2d class; to which may be added the Fulton, which is used at present as a receiving ship at New York.

There are also in our navy two ships of 24 guns each, the Cyane, captured in 1815, and the John Adams; and four sloops-of-war of 18 guns; to these were added, by the law of 3d March, 1825, ten sloops-

of-war, to carry not less than twenty guns; making, when completed, sixteen vessels of nearly the same class, and which may be ranked under the denomination of sloops-of-war. There are also four schooners of 12 guns, and three other vessels used as receiving ships.

In the report from this Department, of the 2d December, 1825, it was stated that three of the sloops-of-war authorized by the act of the 3d March, 1825, would be completed within the year. Since that time those three have been finished, and are now at sea. One has been recently launched; will be immediately put in commission. The others are far advanced, and the whole would have been entirely completed if the contractors for certain portions of the materials had not produced disappointment, by failing to comply with their contracts within the times specified. They will all be launched during the next year, and may be ready for sea in six weeks after launching, if no difficulty should be experienced in procuring seamen. (See paper I.)

From this statement it will appear that the whole naval force, authorized by law, consists of twelve ships of the line, (exclusive of two on Lake Ontario,) seventeen frigates of the 1st class, three frigates of the 2d class, sixteen sloops-of-war, four schooners of 12 guns, and 3 other vessels. The whole of these, with the exception of three of the frigates, could be prepared for active service at sea in a few months, should the situation and interests of the nation demand their employment. For their names and other particulars I refer to paper I, and Naval Register of 1827.

By the law of 9th March, 1814, ths sum of $500,000 was appropriated "for the purpose of building, equipping, and putting into service one or more floating batteries, adapted to attack, repel, or destroy ships of the enemy which might approach the shores or enter the waters of the United States." This law was executed in part by the purchase of one steam engine, and the building of one vessel, the Fulton. In other respects it has been unexecuted, in consequence, it is presumed, of the peace which soon succeeded its enactment.

By the 3d section of the law for the gradual increase of the navy, passed in April, 1816, the President was authorized to cause to be procured the steam engines and all the imperishable materials necessary for building and equipping three steam batteries on the most approved plan, and best calculated for the defence of the ports and harbors of the United States. The frames of the three vessels have been procured; two of the engines with all their appurtenances, and part of the third engine purchased.

The steam engines and vessels procured were of the best construction known at the time; it is probable that others, of more approved form, both for economy and power, might now be obtained.

This is a subject to which it is presumed legislative attention will, before long, be directed. By the law just referred to, it is manifest that Congress, at the time of its passage, looked to this species of vessels as an efficient means of protection for our ports and harbors; and subsequent experience and improvements have justified the opinion.

The powerful agency of steam has been constantly yielding, both in point of economy and skill, to the improvements of the age, and there can now be little hazard in anticipating that, at no very distant period, it will be employed in propelling a large number of the vessels used for the protection of the maritime frontiers of all countries; and in none can they be used with more advantage than in this. The peculiar formation of our coast, harbors, and estuaries renders them an indispensable addition to the line of fortifications and defences which the nation is constructing with such prudent forecast.

A minute detail of the employments and services of our armed vessels at sea does not seem to be required. The year has presented few incidents which are uncommon, of deep interest, or requiring legislative action. It may be truly said of all our squadrons, that they have enjoyed good health, have faithfully performed the duties entrusted to them, doing credit to the skill and patriotism of our officers, and justifying the expense to which the nation is subjected in supporting them. Paper M furnishes a list of the vessels in commission, with their stations. It will be perceived that few changes have been made in the vessels employed in active service.

The frigate Brandywine and sloop-of-war Erie have returned from the Mediterranean; the former to relieve the frigate United States; the latter is in ordinary, and her place will in a few days be supplied by the new sloop-of-war Warren, Master Commandant L. Kearny.

The West India squadron has been diminished: 1st. By the sale of the brig Spark, she being so far decayed that it "was not for the interest of the United States to repair her;" 2d. By placing the schooner Fox at Baltimore as a receiving vessel, she being in such a state that she could not any longer be profitably employed as a cruising vessel; and, 3dly. The store ship Decoy has been sold, such arrangements having been made as rendered her no longer useful.

The Brazilian squadron remains the same as at the close of the last session of Congress, consisting of the Macedonian, Cyane, and Boston.

The Pacific squadron has not in any respect been changed, but the Brandywine and Vincennes are on their passage to relieve the frigate United States and sloop-of-war Peacock. It was the purpose of the Department to add to the relief squadron the sloop-of-war Lexington, but other employment became necessary for her, under the resolutions of Congress. That vessel has been employed in a cruise among the fisheries, and in the melancholy, yet grateful duty of removing the remains of Commodore Perry, and will now be sent, for a time, to the West Indies.

In obedience to the resolution of the House of Representatives, of the 18th of May last, directing "that the Secretary of the Navy be instructed to 'cause the remains of Commodore Oliver Hazard Perry to be removed from the Island of Trindad, in a public vessel of the United States, and to have the same conveyed to Newport, State of Rhode Island,'" the Secretary of the Navy, as soon as a vessel could be commissioned for that purpose, and at as early a day as the safety of those employed would permit, dispatched the sloop-of-war Lexington, under the command of Master Commandant William B. Shubrick, with such instructions as were supposed proper on an occasion so interesting to the national feeling, and with a letter from Mr. Vaughan, the British minister in this country, to the Governor of Trindad, to both of whom the thanks of the Department are due for the facilities afforded in accomplishing the object. Master Commandant Turner, who was with Commodore Perry at the moment of his death, and attended his funeral, was directed to accompany Master Commandant Shubrick. Information was also given to the relatives and friends of Commodore Perry, in Rhode Island, that they might be enabled to make suitable preparations for receiving and paying funeral honors to his remains. The Lexington sailed from New York on the 12th of October, and I am this moment apprised that she reached Newport on the 27th of November. The instructions and correspondence of the Department on this subject, with the report of Master Commandant Shubrick, are annexed, marked N.

The squadron in the Mediterranean has remained under the command of Commodore Rodgers, and been actively and usefully employed in cultivating the friendship of the powers bordering on that sea, and in affording protection to our commerce and interests. Some extracts from his correspondence, marked O, will explain the nature of the services of the squadron, and the manner in which they have been performed.

The presence of a respectable naval force in that quarter is demanded by our growing commerce, and by the continued and perhaps increasing dangers to which it is subjected by the present state of the contest between Greece and Turkey. Several of the vessels will return home in the course of the year, but their places will be supplied by others. Private letters just received prove that piracies of the worst kind are daily increasing, and that our force cannot safely be diminished.

The squadron in the Pacific has continued to be useful to the interests of the nation. The termination of active war between Spain and the South American governments bordering on that ocean has relieved our commerce from some of the evils under which it suffered; but, the unsettled state of the governments and people, with the mass of individuals who have been thrown out of employment on the land and the water, expose it to others which require the presence and active exertions of a competent naval force on the whole coast, from California to Cape Horn.

Commodore Jones, one of our most experienced and prudent officers, has been ordered to succeed Commodore Hull in the command of the squadron, and, should the force already sent not be sufficient to protect our interests, an addition to it will be made if practicable.

Our extensive interests in every part of the Pacific, and the difficulties which not unfrequently occur in the neighborhood of many of the islands, render the occasional presence of a public force among them very important It was the intention of the Department that Commodore Hull should, previous to his return, visit the Society and Sandwich Islands, look to the interests of our commerce there, acquire a better knowledge than is now possessed, both of its extent and necessities, and of the best means and mode of defending and promoting it. But his duties on the coast have forbidden him to be absent; he has, however, under the orders of the Department, dispatched, at different times, the Dolphin and Peacock, to accomplish those objects as far as practicable. The report of their cruises has not yet reached the Department.

Information was received of war between Brazil and Buenos Ayres, soon after the Cyane sailed, in December last, which rendered an additional number of vessels there necessary. These were provided under the act of appropriation of 5th April, 1826, and the new sloop-of-war Boston, Master Commandant B. V. Hoffman, sailed on the 11th April; the frigate Macedonian, Commodore Biddle, on the 13th June.

The presence of this force in that quarter has been essentially useful, by the relief which it has afforded to our vessels and fellow-citizens in many cases, and by the impression which it has produced, that, if assailed, protection was at hand.

The Emperor of Brazil established a blockade of an extensive coast, resting solely upon principles which have been uniformly resisted by our government; its operation has, to a great degree, been counteracted by the interposition of our officers, as will be seen by the accompanying correspondence, marked Q and R.

The view of our interests in the West Indies, so far as they are connected with the services of the navy, is more gratifying than at any time during the last four years. The zeal, enterprise, and skill of our officers, which received commendation in the last annual report, have continued to merit it; and it is satisfactory to add that not one case of piracy, within the range of the cruising grounds of our squadron, has been brought to the knowledge of the Department. The health of the officers and men has also received strict attention, and has been preserved to as great an extent as on any other station. (See paper S.) Commodore Warrington has been invited to the Navy Board, and Captain Ridgley appointed to succeed him.

The benefits resulting from the cruise of the schooner Porpoise over the fishing grounds at the northward, during the last year, confirmed the propriety of sending a vessel, during the late fishing season, to perform a like service. Master Commandant Shubrick, sailed in the Lexington for that purpose, from New York, on the 12th June, and returned on the 4th September; having in the meantime examined the greater part of the coasts and shores frequented by our fishermen. His reports, a copy of some of which accompany this communication, show that much good has resulted from the attention of government to this important interest of the nation, and that it will be well not to relax on this subject. More diversified and extensive benefits are not produced by the employment of any one of our public vessels. (See paper T.)

A law of 3d March, 1825, appropriated $100,000 for the establishment of a Navy yard and depot on the coast of Florida. By the report from this Department, of 2d December, 1825, Congress was informed of the measures which had been taken to execute the law, and of the selection which had been made. Since that time the yard has been laid out, the wharves, buildings, &c., located, and the whole are satisfactorily progressing under the superintendence of the Commissioners of the Navy. There still remain unexpended about $60,000, which will be insufficient to complete the whole, as the erection of works in that portion of the Union is very expensive.

On the 10th day of May last a letter was directed by the chairman of the Naval Committee of the House of Representatives to the Secretary of the Navy, inquiring "whether the arrangements made by the Department for executing the act of the 29th April, 1816, for the gradual increase of the navy, would be injuriously interfered with if the building of one of the frigates authorized by that act should be suspended for the present, and the timber for her frame secured, and the government be authorized to purchase, in lieu of such frigate, for the naval service, a ship of equal or rather superior force, if the same can be procured for the United States on advantageous terms." This letter was received and answered the 12th of that month. On the 17th May a law was passed, authorizing the President "to cause the building of one of the ships to be suspended, and to cause to be purchased a ship of not less than the smallest class authorized to be built."

In the execution of this law, the Secretary of the Navy, on the 29th of May, appointed Commodores Bainbridge, Chauncey, and Jones to examine two vessels, then lying at New York, with as little delay as practicable, and furnish a full report of their state and qualities, with an estimate of their value. On the 21st of June they reported that they had examined the two ships, and thought the one called the Liberator the best adapted to the public service of the United States; that from her form and dimensions they should judge favorably of her qualities, and estimating her value at $233,570.97.

Controversies having arisen between the persons interested in the vessel, which were submitted to arbitration, some delay took place in making the purchase, but instructions were eventually given to the Navy agent at New York to lay the papers before the district attorney, and obtain from him an opinion as to the right and power of the arbitrators to transfer the title to the United States. In obedience to instructions, and with the approbation of all persons concerned and interested in it, he made the purchase for the sum estimated as the value, and the vessel is now at the Navy yard in Brooklyn, N. Y. She is a valuable ship, calculated to perform much service, and will be fitted for sea in a short time. The papers relating to the execution of this law will be found annexed, and marked U.

In compliance with the joint resolution of the 22d May, requesting the President to cause an examination and accurate survey to be made by a skillful engineer of a site for a dry dock at the Navy yard, at Portsmouth, N. H., Charlestown, Mass., Brooklyn, N. Y., and Gosport, Va. Loami Baldwin, Esq., was employed to make the necessary surveys and examinations. He has been diligently engaged in the work, and it is hoped that he will be able to make his report in a few days. As soon as it is received, it will be communicated, together with the instructions under which he acted, and the views of the Department on the subject.

In the act making appropriations for the support of the navy for the year 1826, there is an item of of $10,000 for a survey of the harbors of Savannah and Brunswick, in Georgia, Beaufort, in South Carolina, and Baltimore, in Maryland, "with a view to ascertain the practical facilities of those places for naval purposes." In the execution of this law, a survey was commenced, under the superintendence of Captain R. T. Spence, and, after his unexpected and lamented death, was committed to Master Commandant Claxton, then upon the Baltimore station, with the aid of Lieut. Sherburne and other officers.

A report upon the subject, accompanied by a chart, has been made to the Department, but is not now communicated, because the surveys of the other places mentioned in the law have not been completed; and it is believed to be more correct to present the whole at one view.

The remaining surveys are progressing, under the superintendence of Lieut. R. F. Stockton, and will be finished with the least practicable delay, when they will be presented, with that of Baltimore.

The correspondence marked W will show the situation of the African agency and slave trade.

It was anticipated, at the commencement of the year, that a large number of Africans would be sent to the agency, but a delay in the decision of the claim to a part of them has hitherto prevented. This delay has occasioned a great expense to the United States, but no remedy is perceived. Brought to this country by no act of their own, there is no principle of justice on which they can either be made slaves by the government, or turned loose among our fellow-citizens to suffer. They must be carried somewhere out of the limits of the United States, and a more economical mode does not seem practicable.

On the 1st of January, 1826, a balance of $32,401.63 remained of the appropriation of $100,000 made in 1823, which was carried to the surplus fund; but a reappropriation of $32,000 was made during the last session; of this sum $22,220.81 have been expended, leaving a balance at this time of only $9,779.19, which it is believed will not be sufficient to meet the existing and necessary claims upon the fund during the ensuing year. Another appropriation will therefore be required.

It is probable that, in a few weeks, the question respecting the Africans in Georgia will be determined, in which event there will be from 100 to 160 in that State, and about 15 from Louisiana, to be sent to the agency, for whose reception provision has been made.

No vessel has been dispatched to the coast of Africa for several months, until within a few days. It was the purpose of the Department to order the brig Spark on that service; but, upon her arrival from the West Indies, she was found too much out of repair, and consequently sold. The schooner Shark, Lieut. Otho Norris, left Norfolk about a week since, with orders to remain one or two months, as occasion may require, and afford such protection to the agency as its situation shall demand. After performing this duty, the Shark will cruise a short time in the neighborhood of La Guayra, and then resume her station in the West India squadron.

In the report of the President at the commencement of the last session of Congress, and in other communications from the Department, several evils under which the marine corps and the naval service labored, and which could only be relieved by legislative interference, were exhibited, in the hope that a remedy would be provided. It would be unnecessary, and perhaps improper, to renew the representations respecting them. Reference is made to the views and opinions heretofore expressed, and it is respectfully added that the marine corps and the service still continue to feel, sensibly, the necessity of a remedy for some of the inconveniences there suggested.

A few subjects of importance are not mentioned in this report, because they must hereafter be presented to Congress, in answer to resolutions passed, and calls made, during the last session.

Paper X contains a list of the officers of the navy and marine corps who have died since the 2d December, 1825.

Paper Y contains a list of resignations during the same period.

Paper Z contains estimates for the service of the navy and marine corps for the year 1827.

Respectfully submitted.

SAMUEL L. SOUTHARD.

NAVY DEPARTMENT, *December* 2, 1826.

M.

List of vessels of the United States navy in commission, their commanders, and stations.

IN THE MEDITERRANEAN.

North Carolina, 74 guns	Commodore John Rodgers.
Constitution, 44 guns	Captain D. T. Patterson.
Ontario, 18 guns	Master Commandant J. B. Nicholson.
Warren, 18 guns	Master Commandant L. Kearney.
Porpoise, 12 guns	Lieut. Commanding Benjamin Cooper.

IN THE WEST INDIES.

Constellation, 36 guns	Commodore Charles G. Ridgley.
John Adams, 24 guns	Master Commandant J. Wilkinson.
Hornet, 18 guns	Master Commandant A. Claxton.
Grampus, 12 guns	Lieutenant Commanding W. K. Latimer.

IN THE BRAZILS.

Macedonian, 36 guns	Commodore James Biddle.
Cyane, 24 guns	Captain Jesse D. Elliott.
Boston, 18 guns	Master Commandant B. V. Hoffman.

IN THE PACIFIC.

United States, 44 guns	Commodore Isaac Hull.
Peacock, 18 guns	Master Commandant Thomas Ap Catesby Jones.
Dolphin, 12 guns	Lieutenant Commanding John Percivial.
Brandywine, 44 guns	Commodore Jacob Jones, to relieve the frigate United States.
Vincennes, 18 guns	Master Commandant William B. Finch, to relieve the Peacock.

ON SPECIAL SERVICE.

Lexington, 18 guns	Master Commandant William B. Shubrick.
Shark, 12 guns	Lieutenant Commanding Otho Norris.

N.

CORRESPONDENCE RESPECTING THE REMOVAL OF THE REMAINS OF COMMODORE OLIVER H. PERRY.

NAVY DEPARTMENT, *September* 8, 1826.

SIR: As soon as the U. S. sloop Lexington, under your command, can be prepared for a cruise of two months, you will proceed to the Island of Trinidad, to perform the duty prescribed by the resolution of the House of Representatives, of which I enclose a copy.

On your arrival at Port Spain, you will communicate to the proper authority in the island the object of your government in sending you, and request permission to remove the remains of Commodore Perry.

Having obtained the permission, you will receive them on board the Lexington, with your colors half-mast, and a salute suited to the rank which Commodore Perry held in the navy of the United States. Your colors will remain half-mast so long as you continue in the harbor.

His friends at Newport, R. I., have been apprised of your departure, and will be ready to receive the body.

On your arrival at that place you will again wear your colors half-mast, and when the body is taken from the vessel fire another salute, and, with your officers and men, unite in such funeral services as may be performed by the citizens of that place; after which you will return to New York.

In selecting you for this deeply interesting duty, the Department relies with confidence on the exercise of your correct judgment and feelings, and expect that you will discharge it in a manner suited to the respect due to the memory of Commodore Perry—to the feelings of his friends—and to the national gratitude for his patriotic services, and the national pride in his pure fame.

I enclose to you extracts of a letter from an officer in the navy, who was present at the burial of Commodore Perry, which may be useful to you.

I am, respectfully, &c.,

SAMUEL L. SOUTHARD.

Captain WILLIAM B. SHUBRICK, *commanding U. S. Sloop-of-War Lexington, New York.*

NAVY DEPARTMENT, *October* 17, 1826.

SIR: I beg the favor of you to have the enclosed letters delivered to the mother and widow of Commodore Perry. Their object is to announce to them the time when the resolution of the House of Representatives will probably be executed.

Captain Shubrick, in the Lexington, has sailed to Trinidad, and will probably arrive in Newport, with the remains, in about 40 or 50 days. He is commanded to deliver them to the friends of Commodore Perry, and to unite in the funeral services which may be performed by the citizens of that place. Will you do me the favor to give such information as may be proper and necessary on the subject?

I am, respectfully, &c.,

SAMUEL. L. SOUTHARD.

Hon. DUTEE J. PEARCE, *Newport, R. I.*

NAVY DEPARTMENT, *October* 17, 1826.

MADAM: The House of Representatives of the United States, on the 18th May last, passed a resolution, instructing the Secretary of the Navy to cause the remains of Commodore Oliver Hazard Perry to be removed from the Island of Trinidad, in a public vessel of the United States, and to have the same conveyed to Newport, State of Rhode Island.

The duty to be performed was of a character not to be unnecessarily postponed; and I have at the earliest moment in my power devoted the Lexington, commanded by Captain Shubrick, to its discharge.

He is directed to bring the remains to Newport, and deliver them to the friends of Commodore Perry, and will probably arrive there in forty or fifty days from this time.

I rely with confidence on the correct judgment and feelings of Captain Shubrick, to discharge this service in a manner suited to its interesting character; and I rejoice that the remains will be received by those who will best know how to pay that respect which private affection and public gratitude demand.

I am, very respectfully, &c.,

SAMUEL L. SOUTHARD.

Mrs. ELIZABETH PERRY, *Newport, R. I.*

Captain Wm. B. Shubrick to the Secretary of the Navy.

NEWPORT, *November* 27, 1826.

I have had the honor to announce to you my arrival in this harbor, with the remains of the late Commodore Perry.

My letter of the 13th ult. informed you of my departure from New York.

I anchored in the Gulf of Paria, after a passage of seventeen days, on the evening of the 31st, and on the 1st of November got up to Port of Spain. On anchoring, I addressed a letter (a copy of which accompanies this, marked A) to the governor, and, that evening, received the answer marked B. On the morning of the 2d, after exchanging salutes with the fort, I waited on the governor, who expressed his readiness to afford me every facility in the execution of my commission, and his wish to have the remains attended, on removal, with such military honors as I might think proper. As the commodore had been interred in the most splendid manner, by the same governor, I thought it most proper to decline any further parade, which I did in the most delicate manner. The governor, however, caused a car to be prepared especially for the purpose, and to be drawn from the cemetery to the wharf by his own carriage horses; his secretary, and other members of his family, giving their personal attendance.

At the wharf, the remains were received by the boats, with a proportion of the officers and crew of this ship. During the time they were rowing off, I caused minute guns to be fired, half-masting the colors at the firing of the first gun.

The remains were received on board under a salute from the marine guard, the officers and men uncovered, and the music playing a dead march.

On the afternoon of the 3d, I addressed a letter (copy marked C) to the governor, and at 10 o'clock, on the morning of the 4th, the wind being favorable, I got under way, and made sail from the harbor, the fort saluting me with 17 guns, which I returned with a like number.

I received from Captain Turner the most ready and important assistance, in disinterring and getting on board the remains; and it is, in a manner, owing to his exertions, that I was enabled to leave Trinadad in so short a time, which was very desirable, the rainy season not being over, and the place, consequently, sickly. My return passage has been longer than I expected, owing to frequent calms in the Caribbean sea, and a succesion of northwest gales on the coast.

The Lexington having, for the last six months, been almost constantly at sea, and in every variety of climate, requires to be thoroughly overhauled before going on another cruise.

A.

Captain Shubrick to Sir Ralph James Woodford, Governor and Commander-in-Chief of the Island of Trinidad.

UNITED STATES SHIP LEXINGTON, *November* 1, 1826.

I have the honor to make known to your excellency the arrival in the harbor of Port Spain of the United States ship Lexington, under my command.

Having being charged by my government with the melancholy duty of conveying to his native country the remains of Commodore Perry, I have anchored in this harbor for that purpose; and I pray that your excellency will enable me to carry into execution the views of my government, by granting me permission to disinter and take from the island the said remains.

I have the honor to forward herewith a letter for your excellency, entrusted to my charge by his Majesty's minister near the Government of the United States.

B.

Copy of a letter from Sir Ralph Woodford, Governor of the Island of Trinidad, to Captain William C. Shubrick.

ST. ANN, *November* 2, 1826.

I have had the honor to receive your letter of the 1st instant, acquainting me of your arrival, in the United States ship Lexington, for the purpose of receiving and conveying to his native country the remains of the late Commodore Perry.

In conceding the request, made in the name of your government, I have to assure you of my readiness to afford every assistance to the object of your commission that you may consider to depend upon me.

I have also to acknowledge the receipt of the letter of his Majesty's minister at Washington, entrusted to your care, and to express the satisfaction it will afford me to receive you at my residence during your stay in the island.

C.

Captain William B. Shubrick to Governor Ralph James Woodford.

U. S. SHIP LEXINGTON, *November* 3, 1826.

Having received the remains of the late Commodore Porter on board, I am about to leave the harbor of Port Spain, and I avail myself of this occasion to express to your excellency my sense of, and to tender my thanks for, your kind attentions during my stay at the island under your excellency's government.

I shall take great pleasure in making known to my goverment the generous facilities afforded me by your excellency in the execution of my melancholy commission.

O.

COPIES AND EXTRACTS FROM THE CORRESPONDENCE OF COMMODORE JOHN RODGERS.

Extract of instructions from Commodore John Rodgers to David Deacon, Esq., commanding United States sloop Erie, dated—

U. S. SHIP NORTH CAROLINA, *Port Mahon, February* 18, 1826.

The United States Ship Erie, under your command, being ready for sea, I have to desire that you proceed with her to the Archipelago for the protection of our commerce in that sea, and particularly that to and from Smyrna, which is so important as to forbid its being neglected, in the present state of the war subsisting between the Turks and Greeks, for a single day. The season of the year is rapidly approaching when danger is most to be apprehended from such small craft as have hitherto committed piracies among the islands of the Archipelago, under the Greek flag.

On leaving this, in order to obtain such information as will enable you to afford the most effectual protection to our trade, you will proceed direct to Smyrna, where, on your arrival, I would recommend your consulting our consul, Mr. Offley, by whose advice and information you will be able to afford it the most ample and extensive protection.

In the performance of your duties your own judgment will point out to you the necessity of abstaining from, yourself, and preventing in all others under your command, the commission of any act which might tend in the slightest degree to compromit the neutrality of the United States.

Should it be found unsafe to permit vessels to leave Smyrna without convoy, you will afford it to such a distance west of the Island of Serigo as to ensure their safety, returning again to Smyrna as soon as the nature of the service you are on, and the information you may receive from any other quarter requiring your attention, will permit.

Extracts of a letter from Captain David Deacon to Commodore John Rodgers, dated—

U. S. SHIP ERIE, *Smyrna, March* 18, 1826.

In compliance with your order, bearing date 18th February, 1826, I proceeded with this ship for the Archipelago, and have great pleasure of informing you of my safe arrival, with all the American vessels I have met with, at this anchorage.

On the 1st of March, fell in with, supplied with fuel, and took under convoy the American brig Seaman, belonging to New York, bound to Smyrna.

On the 7th, fell in with, supplied with water, and took under convoy the American brig Smyrna, bound to Smyrna.

The Greeks have retaliated on the Austrians by capturing three vessels said to be loaded with stores for the Turks; this happened a few days ago, at Milo; two Greek brigs boarded the convoy under two Austrian brigs; the Austrians told the Greeks that if they persisted they should fire into them; the Greeks answered, very well, they were ready to return it; the Austrians then called on a Dutch frigate for assistance, but the Dutchman declined interfering; in the meantime the Greeks carried the Austrian merchantmen over to Napoli di Romania. I overhauled one of the Hydra cruisers in the Bay of Smyrna; he had boats out capturing everything Turkish; I observed to him the vessels astern were my convoy, and Americans; he said we were then good friends, and he would always treat them well.

Extract of a letter from Commodore John Rodgers to the Secretary of the Navy, dated—

U. S. SHIP NORTH CAROLINA, *Gibraltar Bay, May* 13, 1826.

The Erie, if her crew will not consent to re-enter for a longer term, and which I am led to think very doubtful, I shall be obliged to send to the United States, the necessity of which I shall regret, particularly at this time, as the war between Greece and the Porte seems now to be drawing to a crisis; and unless Russia declares war against the latter, (as some think she will,) or England and the principal continental powers interpose as mediators between her and the Ottoman government, (as others seem inclined to believe they will do,) the unfortunate Greeks will be obliged, it is thought, to have recourse to increased acts of piracy, and, in this event, that the commission of such acts will not be, as heretofore, confined to small boats only.

Should such a change take place prior to my departure for the Archipelago (for which I shall depart to-morrow) as to render the presence of more than a sloop-of-war necessary, I shall leave the Constitution there, with the Ontario, until the affairs of Greece assume such a shape as to permit one or both of these vessels to be drawn from that quarter, without risk. It is confidently believed, if the Greeks lose Missolonghi, that they cannot maintain themselves in the Morea, and that, in such an event taking place, they will be obliged to seek refuge among the barren islands of the Archipelago, where, to avoid starvation, a large portion of the population will necessarily be forced to turn pirates.

Copy of instructions to Master Commandant John R. Nicholson, United States ship Ontario, from Commodore John Rodgers, dated—

U. S. SHIP NORTH CAROLINA, *Harbor of Milo, August* 21, 1826.

In the present state of the war between the Porte and Greece, it has become absolutely necessary that one vessel-of-war, at least, should be kept in the Archipelago, for the protection of our commerce; and, in consequence thereof, I am induced to assign to the Ontario, under your command, that duty.

In the performance of this service you will have a delicate part to act. It will be expected of you to exercise much vigilance, and, at the same time, much discretion; for whilst, on the one hand, you will be required to afford to our merchant vessels trading in those seas the most ample protection the force under your command will admit of, it will be equally expected that you abstain from meddling with the affairs of either of the parties at war, from giving to other nations (beyond what your duty requires in the suppression of piracy) the protection of our flag, and from intermingling its name, or identifying its character or our commercial interests, with those of any nation, in any way that might compromit ourselves by affecting the neutral position we have hitherto sustained, and which it is the desire of our

government most earnestly still to maintain. You will keep me informed of your own proceedings, by every opportunity that offers, as well as of everything of a political nature that may transpire in this quarter, which you may think it desirable for me to be apprised of.

Mr. Offley, our consul at Smyrna, with whom you will confer from time to time as to the mode most likely to ensure to our commerce the necessary protection, will, on your requisitions, furnish such few stores and provisions as you may stand in need of, to pay for which, and to meet the other necessary disbursements of the ship, I have furnished your purser with bills on London to the amount of £1,000 sterling—calculated to produce about $5,000—and $4,000 loaned him by my authority, by the purser of this ship, together making about $9,000, exclusive of the funds previously remaining in his hands. When there are no American vessels at Smyrna requiring convoy, you will do well by spending a portion of your time at Milo, and occasionally running out as far as Cape St. Angelo and Cerigo, to meet and afford protection to such as may be bound to Smyrna. Until the warm weather is over, I would advise your not remaining at Smyrna for any length of time.

Copy of a letter from Commodore John Rodgers to the Hon. the Secretary of the Navy, dated—

U. S. Ship North Carolina, *Port Mahon, September* 11, 1826.

My letters of the 25th and 28th June last, from Smyrna, by the brig General Boliver, bound to Boston, will have made you acquainted with the movements and proceedings of the squadron, up to that time, and this, together with the accompanying communication, dated at Vourla, the 18th of July, (marked A,) but which I have had no opportunity of sending until now, will put you in possession of its movements and employment subsequently to that date. On the 22d of July, three days after my return to Vourla from an excursion to the Dardanelles, with this ship, the Constitution, Ontario, and Porpoise, (for the particulars of which permit me to refer you to the accompanying letter of the 18th of July,) the Erie joined me, having been employed, during her separation from the other vessels of the squadron, in convoying the brig General Bolivar clear of the islands. On the 10th of last month, finding the term of service of the crew of the Erie was about to expire, I dispatched her under orders to communicate with the consulates of Tripoli and Algiers, and to proceed from the latter place to Mahon, there to replenish her provisions and water, and wait my arrival for orders to return to the United States. On the 11th, the day after the departure of the Erie, I sailed with this ship, the Constitution, Ontario, and Porpoise, for the Island of Milo, and taking a circuitous route, by Mytilene, Scio, Negropont, and Cape Colonna, arrived and anchored at Milo on the 15th, at which, as the communication between the Morea and it is more frequent than with any other island in the Archipelago, I continued until the 21st ultimo, for the purpose of obtaining the latest and most correct information possible, in regard to the actual situation of Greece, before my final departure from that sea. The day I left Milo, after getting to sea, I parted company with the Ontario, which vessel I have stationed in the Archipelgo, with instructions to her commander, of which the enclosed is a copy, marked B, to protect our commerce in that quarter. On leaving the Archipelago, I shaped a course for Malta, having directed Mr. Henry, our consul at Gibraltar, to send all letters for the squadron, that might come to his hands, in time to reach that place by the first of September. On arriving off Malta, which was on the 29th ultimo, I sent a boat in to communicate with Mr. Pulis, our consul, and bring off any letters which might have reached him.

I now learnt from him that the mail of the August packet, which usually arrives between the 25th and 31st of the month, was still due, and thinking it probable that Mr. Henry might have received letters from the Department for me, during my absence, and have forwarded them by the packet, I made sail for Mahon, accompanied by the Constitution, leaving the Porpoise to wait the arrival of the packet, until the 8th instant, to bring such letters as might have been forwarded by her from Gibraltar.

I reached this port yesterday, in company with the Constitution, where I found the Erie, she having arrived here six days before.

The enclosed copies of Captain Deacon's letter, and the letters of Mr. Shaler and Mr. Morillo, Nos. 1, 2, 3, (the latter left by Mr. Anderson in charge of the affairs of the American consulate at Tripoli) will show the peaceable footing on which we stand with those two regencies.

The Erie is now replenishing her water and provisions, and as soon as she is ready for sea I shall dispatch her for New York, to receive your orders for the discharge of her crew.

She is a fine ship, and will require but little expense to equip again for sea; and as the services of more than one vessel of her class will be necessary for the protection of our trade in the Archipelago, so long as that sea continues infested, as it now is, by pirates, I hope you may find it soon convenient to send her, or some other sloop to supply her place, on this station.

No robberies have, as yet, been committed upon any American vessels since the first appearance of the squadron in the Archipelago, notwithstanding those of every other nation have suffered more or less; even the English and French, of late, have had several vessels plundered, and some of very valuable cargoes, notwithstanding the former has six or seven vessels-of-war, and the latter nine or ten in that sea.

The Austrians, although they keep as many as ten or twelve sail constantly at Smyrna and among the islands, have had upwards of fifty vessels plundered during the last six months; in one or two instances the crew of the vessel has been murdered.

After dispatching the Erie for the United States, I shall leave here (on the arrival of the Porpoise from Malta) for Gibraltar, to supply the pursers of the several vessels with the necessary sums of money, on account of pay for the next six months, and to purchase such few articles of stores as are not sent from the United States.

The officers and crews of the vessels of the squadron have been peculiarly healthy during the past summer, there not having been a single death among the officers, and only four, out of upwards of 1,800 men, since we left Gibraltar.

Copy of a letter of Wm. Shaler, Esq., enclosing extract from journal of consulate at Algiers, to Commodore John Rodgers, commanding U. S. naval forces in the Mediterranean.

Algiers, *August* 30, 1826.

I had the honor to receive your letter of the 10th inst., by Captain Deacon. I, herewith enclosed, send you a transcript of the journal of this consulate, which contains everything of any moment since your departure from Algiers. I also send, by Captain Deacon, a copy of a book which I lately published in the United States, on this country, which please to accept as a mark of my friendly consideration.

Extract from the journal kept in the consulate of the United States in Algiers, from the 1st to the 25th, inclusive, of August, 1826.

August 3. Sailed the Algerine squadron on a cruise, consisting of five schooners of 22, 14, and 6 guns. It is believed they are destined against Spanish commerce.

August 18. Arrived this morning an Algerine cruiser accompanied by a large ship, supposed to be her prize. The Dutch consul was early informed that this vessel was of his nation, and at 9 o'clock he visited the minister of marine and conversed with the captain of the ship. He informed the consul that this vessel, measuring 500 tons, belonged to Curacoa, was owned by himself, a citizen of that island, and that her cargo was principally American; that she had sailed from Curacoa to Campeachy in Mexico, where she was laden with Campeachy wood, her present cargo, and was bound for Marseilles; and that when within 60 miles of that port was captured by the Algerine squadron because she was not provided with a Mediterranean pass. The minister remarked to the consul that, according to the ancient usages of Algiers, a vessel found navigating the Mediterranean, without this passport, was liable to confiscation. The consul replied that the absence of this passport might be reason for bringing in a friendly vessel for examination, but furnished no right to condemn. He had examined the ship's papers, had found her to be the property of a Dutch citizen, and he therefore formally demanded restitution.

The minister deferred his decision.

August 19. All the dragomans were called to the marine and directed to invite their respective consuls to a divan, to be held to-morrow, to decide upon the legality of the prize, and to be composed of the raises, or captains of the Algerine navy and the *corps consulaire*.

August 20. At eleven o'clock this morning the consular corps assembled at the marine, where were also present the Algerine captains, The minister, addressing the Dutch consul, said the subject of the prize ship would now be discussed.

The consul premised, by formally declaring that the legality of a Dutch prize was a question which in nowise affected the representatives of other powers, and to a decision of which they were not competent. But, denying their jurisdiction, the consul did not object to the expression of their opinions, as to the nationality of the vessel. Her papers being found to be in the usual form, the consul formally demanded restitution. The treaty of Holland with the regency was then read, which stipulates that, in such cases as the present, *the vessel should be liberated, but the cargo confiscated.* This brought the cargo into discussion, a part of which appeared to be the property of citizens of the United States. The United States consul made a like preliminary declaration as the Dutch consul, of the incompetency of the divan to judge a case between the regency and the United States.

The bills of lading having been examined, the larger part of the cargo was found to have been shipped on account of merchants in Boston. This the consul formally claimed as American property. For the lesser part of the cargo he made no demands, as the evidence of its being American property was not sufficient, but said that he would write for information, and, if proved to be such, he would claim of the regency.

To the demand of the consul upon the larger part of the cargo, the minister made two objections: 1st. Informality; as the bill of lading did not declare the owners to be *citizens* of the United States. 2d. Insufficiency; because this paper did not prove the property to be American. The cargo must therefore be detained, till it could be verified by more abundant proof.

To the first objection the consul replied, that it was not usual or necessary to identify the owners' citizenship; that, in the present case, being merchants of Boston, they were protected by our laws. To the second he answered, that commercial usages knew of no other proofs of property laden on vessels; that no greater was now required or would be sought. He therefore demanded the restitution of that part of the cargo, as being absolutely American property. The minister rejoined, we have suspicions of its being Spanish property; if you are assured of its American ownership, give us your personal responsibility for it, if, eventually, it should be ascertained to be Spanish; otherwise the cargo must be confiscated. The consul declined this proposition peremptorily. He could not consent to personal responsibility for what he was bound to protect from official duty, but was willing to give his receipt for the property, which by the bill of lading appeared to be bona fide American.

This being refused, he warned the minister not to confiscate this part of the cargo, as it would become his duty to claim it with damages. The minister then requested the Danish consul to pronounce the confiscation of the property. It was accordingly declared. The consul at a late hour dispatched his dragoman to the palace, to demand an audience of the Dey, which was granted, with the request of his highness that it should be held the same evening.

The consul, accompanied by the secretary of the consulate, repaired to the palace at 4 o'clock P. M. The consul addressing the Dey said, he was doubtless well informed of all the circumstances connected with the prize ship lately brought to this port, and of the grounds upon which a part of her cargo was claimed as American. His highness replied, that the only difficulty presented to the restitution of the American part of the cargo was the insufficiency of proof to verify it; that he well knew the stipulations of the late treaty of Algiers with the United States, for he was not, as other Deys, unable to read, and would most scrupulously observe them. If the most precious cargo of the Indies were brought here, and proved to be American, it should be esteemed sacred, and immediately restored. But in the present case there exist suspicions of the truth of the bill of lading, and which of itself is not sufficient evidence of ownership. To assure ourselves, we require of you, as an act of official duty, to give us your personal obligation to answer our demands, if the cargo be ultimately proved not to be American.

To the arguments and demands of his highness the consul replied, that no property floating on the seas was accompanied by other or more explicit papers than was the cargo in question; it was fully identified as American, and, as such, he claimed it.

The present controversy of the regency with Spain created no right to vex the property of friends, under pretext of searching for that of the enemy. Whatever suspicions his highness might entertain of the ownership, it was not for the consul to remove them, but by declaring the proof to be legal and regular.

The demand of his highness for the personal guaranty of the consul was inconsistent with the nature and dignity of his office. If the property were detained, it would become his duty to report to his government, and to the United States naval commander in the Mediterranean, when he would be required to claim it with damages. After some further conversation, in which the Dey expressed the elevated

sentiments of a just and magnanimous prince, he agreed to liberate the property named, and accept the receipt which was this morning proposed to the minister of marine.

August 21. The minister determined this morning to unload the ship in search of any articles not expressed in the manifest. He had actually taken off one lighter load, when, upon the representation of the Dutch consul, he was satisfied to receive the captain's declarations to the truth of his manifest.

The vessel and cargo being liberated, they will sail on the 24th instant.

Copy of the receipt given by the consul to the minister of marine.

I, William Shaler, consul general of the United States in Algiers, declare that a portion of the cargo of the Dutch vessel, the Curacoa, captured and brought into this port by cruisers of the regency, which, according to the bill of lading copied below, appears to be bona fide the property of American citizens, has, by order of his highness, the Bashaw, been delivered over to me, in conformity with the sixth article of the treaty subsisting between the United States and Algiers.

BILL OF LADING.

Shipped, in good order, and well conditioned, by John L. McGregor, per order of Cushing Stetson, on board the Dutch ship called the Curacoa, whereof Cushing Stetson is master, now lying in the port of Campeachy, and bound for Gibraltar, and a market, to say: Six thousand seven hundred and twenty pounds logwood, for account of Messrs. William Thompson & Co. and Z. G. Lamsen, Boston, being marked and numbered as in the margin, and are to be delivered in like good order and condition, at the port of discharge, (the dangers of the sea excepted) unto order, or assigns, he or they paying freight for the said logwood, with primage and average accustomed. In witness whereof, the master or purser of said vessel hath affirmed to twelve bills of lading, all of this tenor and date, one of which being accomplished, the others to remain void. Dated in Campeachy, the 18th of May, 1826. Weight not accountable; all on board to be delived.

CUSHING STETSON.

ENDORSEMENT.

CAMPECHY, *May* 17, 1826.

The within logwood is to be held subject to the order of Messrs. Henry & McCall, merchants, Gibraltar, until payment be made of two thousand nine hundred and five dollars and eighteen and three-fourth cents, being amount advanced by John L. McGregor on said logwood.

CUSHING STETSON.

JOHN L. MCGREGOR.

In testimony of which I have hereunto affixed my hand and seal of office, in the city of Algiers, this 23d day August, 1826.

WILLIAM SHALER.

Copy of a letter from J. Morillo, Esq., chargé d'affaires of the United States consulate, to Captain Deacon, United States ship Erie, dated—

TRIPOLI, *August* 18, 1826.

I have received your communication of yesterday's date, requesting to know the actual state of our political relations with this regency.

In answer to which, I have the pleasure to assure you that our interests continue in the most favorable state with the Bashaw and his government. His highness has at all times shown the most friendly disposition towards the United States, as well as to me individually, and to every one connected with the consulate.

P.

COPIES AND EXTRACTS FROM THE CORRESPONDENCE OF COMMODORE ISAAC HULL.

Extract of a letter from Commodore Isaac Hull to the Secretary of the Navy, dated—

U. S. FRIGATE UNITED STATES, *Chorillos, Peru, December* 21, 1825.

The Dolphin having been dispatched on a long cruise to the Mulgrave Islands, and the Peacock having been constantly on service, and it appearing to me of the first importance that the commerce and citizens of the United States should not be left without proper protection, whilst our ships are compelled to discharge their valuable cargoes in an open roadstead, such as Chorillos, where they are exposed to many difficulties from the heavy swell that is constantly setting in, and scarcely a day passes, but some of the ships require assistance of some kind.

For the last eight or ten months there have been constantly in the Bay of Chorillos from ten to thirty valuable American merchant ships, with valuable cargoes, lying in a situation where they had no protection from the shore, as there is not a gun mounted in the place.

Situated as our commerce has been on this station, and it having been generally believed that a Spanish force would be sent out to relieve the garrison at Callao, and in the event of which, our ships would be still more exposed, I hope you will consider sufficient reasons for my remaining here, and not having left the station for the purpose directed in your letter.

The moment the castles of Callao are given up, and our ships can lie in safety in the bay, I shall lose no time in visiting Chili, for the purpose of executing your instructions, or before, if it can be done consistently with the public interest.

Extract of a letter from Commodore Isaac Hull to the Secretary of the Navy, dated—

U. S. Frigate United States, *Callao Bay, December* 30, 1825.

Our commerce is very much exposed, and would be more so in the event of an attempt being made by the Spanish government to relieve the garrison at Callao, by sending out a force for that purpose; nor should I consider it proper to leave the coast, at the moment the English and French are increasing their forces. The French have now eight sail of ships-of-war at Valparaiso, consisting of frigates, sloops-of-war and schooners. The British have one line of battle ship, and several frigates and sloops-of-war—in all, six or eight sail, and neither England or France have as many merchant ships on the coast as we have; under all these circumstances, my present intention is to send the Peacock to the Sandwich Islands. Captain Jones is an excellent and humane man, and an intelligent officer; and I am sure will do all that can be required of him.

In the event of his going, I shall furnish him with a copy of your letter, and call his particular attention to your wishes.

The Peacock is now at Valparaiso. By the time she returns, and the Dolphin joins me, some changes may take place, that will allow this ship to leave the coast without injury to the service.

General La Mar arrived last evening from Guayaquil, to take the command of Lima. He is said to be an excellent man, and much good is anticipated from his government. I had the pleasure of landing him and his family with my boats; and, I have great pleasure in saying, that I am on the best terms, not only with the officers of government here, but with the commanders of the foreign ships that are on this station; they invariably treat our officers with attention and great respect. As yet, not the slightest unpleasant occurrence has taken place between our officers and those of other ships-of-war.

Copy of a letter from Commodore Isaac Hull to the Secretary of the Navy, dated—

U. S. Frigate United States, *Callao Bay, December* 31, 1825.

I have the honor to forward herewith a copy of the boarding book of this ship, which will show, in an imperfect manner, the number and description of vessels that have been boarded.

Soon after I arrived in this sea, I endeavored to get at, not only the number and description of vessels arriving at the different ports, but the amount of their cargoes, and every particular relating to them, agreeably to the form of the boarding book, but I found it impracticable; for the captains and the supercargoes would not give the information required; indeed, many of them took offence, on being asked many of the questions by the boarding officer, and wanted to know what business I had to inquire about the cost of their cargoes; and it frequently happened that they would not inform the officer what the cargo consisted of; indeed, very few of them would give the information asked.

The list, however, imperfect as it is, will give you some idea of the extent of our commerce on this coast; and have to regret that it has not been in my power to furnish you with a more correct view of it.

A list of merchant vessels boarded by the United States frigate United States, Isaac Hull, commander, during the period from March 30, 1824, to December, 1825.

Where boarded.	When boarded.	Vessel's name.	Master's name.	Owners' names.	Where built or belonging.	Lading.	Number of—			Where from.	Whither bound.
							Tons.	Men.	Guns.		
	1824.										
Valparaiso	March 30	Ship Eagle	Kelly	Starbuck	Nantucket	Sperm oil	250	22	.....	Whale voyage	Nantucket.
do	do	Potosi	R. Baldwin	.....	New York	Flour and sundries	300	.....	.....	New York	
do	do	Tartar	Thos. R. Gerry	Bryant & Sturgis	Boston	Flour and dry goods	300	.....	.....	Boston	
Callao	May 2	Potosi	R. Baldwin	.....	New York	Flour and sundries	370	11	.....	Valparaiso	
do	May 3	Brig Gratitude	.....	.....	Liverpool	Whiskey	.....	.....	.....	do	Callao.
do	May 8	Ship Providence	Bowers	E. Carrington & Co	Providence	Ballast	350	15	2	Coquimbo	do
do	May 10	China	Wm. Putnam	Jos. Peabody	Salem	Flour and dry goods	370	.....	.....	.....	
do	do	Brig Winifred	C. W. Gelston	C. W. Gelston	Alexandria	Ballast	.....	.....	.....	.....	
do	do	Peru	W. Johnson, jr	Steph & Philips	Salem	Flour and dry goods	187	6	2	Quilca	Callao.
do	do	G. P. Stephenson	W. Pacill	Isaac Mann	Baltimore	.....	240	8	.....	Baltimore	do
do	do	Ship America	Dickoven	Tibbitts & Whitney	New York	Flour and dry goods	447	28	4	New York	do
do	do	Brig Frederick	James Penney	Tudor	Stonington	Ballast	147	10	.....	do	Pisco.
do	May 11	Ship Clara	John Jones	James Bosley	Baltimore	Flour, bread, &c.	297	16	.....	Baltimore	Callao.
do	May 14	Brig Dragon	Chiswell	Pat. Mulleston	do	Rice and cocoa	167	.....	.....	Huanchaco	do
do	May 19	Hebe	Nickson	Wm. Guthrie	London	Tallow	229	13	2	California	do
do	May 21	Col. Young	Henry Potter	James Goldia	Calcutta	Ballast	200	11	4	Valparaiso	do
do	May 27	Ship Tartar	Gerry	Bryan & Sturgis	Boston	Flour and dry goods	300	.....	.....	Coquimbo	do
do	June 4	Brig La Pera	.....	.....	.....	Ballast	.....	.....	.....	Pisco	do
do	do	Nancy	Charles Sumner	Field & Edenton	New York	do	141	.....	.....	Huasco	Valdivia.
do	do	Ship J. Beggs	John Jenkins	John Beggs	Lima	Dry goods	154	17	2	St. Blas	Callao.
do	June 11	Earl Wellington	Potts	do	do	do	130	.....	.....	Valparaiso	do
do	June 14	Isabella	Lindsay	C. Silk	London	General cargo	225	14	.....	do	do
do	June 20	Earl Egrement	R. Johnson	Johnson	do	Flour	230	14	2	do	do
do	do	Peruvian	W. Dalling	W. Dalling	.....	Dry goods	216	15	6	do	do
do	do	Andes	King	T. & J. Brockley	.....	do	208	15	.....	Quilca	do
do	June 25	Grecian	Halbour	Halbour	Baltimore	Cheese and vegetables	230	13	4	Valparaiso	do
do	do	Minerva	Lambert	W. & T. Roach & Co	Beaufort, S. C.	General cargo	230	12	.....	do	do
do	June 26	Britannia	Lorton	Thomas Stage	England	Oil	310	24	1	do	do
do	July 2	Duncan Forbes	A. Lovid	Alexander Forbes	Aberdeen	Wheat	134	8	.....	Quilca	do
do	do	Antelope	Rennowsay	Dowsons	London	Produce of Mexico	157	10	6	Ct. of Mexico	do
do	do	Royal Sovereign	R. H. Dare	R. H. Dare	Margate	Sugar rice and indigo	100	8	2	Sansanta	Valparaiso.
Huanchaco	July 27	Fiposhire	Robinson	Robinson	London	Rice	144	12	2	Guyaquil	Huanchaco.
do	July 28	Brig Fortuna	.....	.....	.....	.....	.....	.....	.....	Callao	do
do	do	Camden	Porter	Harrison	Calcutta	Salt	131	12	.....	Huasco	do
Callao	August 17	Liberty	N. Hurd	Jesse Hurd	Chatham, Ct.	Wine and dry goods	289	20	.....	Havre de Grace.	do
do	do	Gov. Clinton	Bassett	N. L. & P. Griswold	New York	Flour and dry goods	383	20	.....	Valparaiso	do
do	August 17	Cadet	Woodbury	J. Hubbot	Boston	Wax	207	12	4	do	Manilla.

A list of merchant vessels boarded—Continued.

Where boarded.	When boarded.	Vessel's name.	Master's name.	Owners' names.	Where built or belonging.	Lading.	Number of—			Where from.	Whither bound.
							Tons.	Men.	Guns.		
	1824.										
Callao	August 17	Ship Neptune	Land	Miff, Colhoun & Co	Philadelphia	Flour and rice	292	13	.....	Huacho	Callao
do	August 23	Canada	John H	B. Messick	Baltimore	Rice and tobacco	216	14	2	Huacho	do
do	August 24	Lively	Hasting	Heath	London	Aguardiente	50	6	.....	Pisco	do
do	do	America	Tibbet	S. Whitney	New York	Ballast	447	26	4	Huanchaco	do
do	September 5	Tuscan	.....	....	.....	.....	.....	.....	.....	Samanca	do
do	September 21	Livonia	Murphy	....	London	Dry goods	170	11	.....	Huacho	do
do	September 24	Wabash	John M'Cay	James Bosley	Baltimore	Sundries	312	11	2	Quilca	Canton
do	September 28	Duncan Forbes	Al. Lovid	Alex. Forbes	Aberdeen	Wheat	134	7	.....	Huacho	Callao
do	October 1	Chevy Chase	Murphy	Brothers & Bogg	London	.....	53	6	.....	Huacho	Pisco
do	do	Fame	Urquhart	....	Liverpool	General cargo	167	13	.....	Liverpool	Callao
do	October 2	North Point	W. Patten	Donnell & Son	Baltimore	Sundries	480	22	4	Baltimore	do
do	October 4	Brig Antelope	Reynoldson	Dowson & Co	London	Pisco	157	10	6	Pisco	To Leeward
do	October 6	James Laurence	Ford.	Henry Pratt	Philadelphia	Sundries	209	6	.....	Pisco	
do	October 7	Peruvian	W. Darling	W. Darling	Liverpool	Aguardiente	248	16	4	Pisco	
do	October 8	Leopold	Hunter	Cochran	Leith	Dry goods	186	9	2	Valparaiso	Callao
do	October 12	President	Whooten	A Massey & Co	Philadelphia	Sundries	177	14	2	Valparaiso	do
do	October 15	Dragon	Chiswell	Pat. Mullison	Liverpool	Pisco	167	6	.....	Pisco	Huacho
do	October 18	Erin	.....	....	.....	.....	.....	.....	....	.....	
do	October 20	Ship Lion	Green	....	Portsmouth	Sundries	337	10	.....	Baltimore	Callao
Huancho	October 25	Henry	Davis	....	Portsmouth, N. H.	.....	300	11	.....	Baltimore	do
do	do	Isabella	Lindsay	C. Silk	London	Salt	225	14	.....	.....	Valparaiso
Callao	October 29	Brig Bolivar	Buchanan	Cochran & Son	Glasgow	Sundries	204	14	1	St. Lorenzo	St. Lorenzo
do	do	Sloop Success	A. Liman	Geo. Ross	London	Cocoa	28	4	.....	Huacho	Pisco
do	do	Brig Erin	Mullaid	Wm. Brown	Liverpool	General cargo	188	12	.....	Huacho	Callao
do	do	Rimack	Beckford	Alsop	New York	Cocoa	113	8	.....	Huacho	do
do	do	Velocity	S. Brooks	H. Stantion	London	Sundries	151	10	.....	Valparaiso	do
do	November 3	Elizabeth	R. Snowden	R. Snowden	Liverpool	Flour	180	10	.....	Pisco	do
do	do	Lavinia	J. Murphy	J. Murphy	Liverpool	Pisco	137	10	.....	Valparaiso	do
do	November 9	America	Eldridge	....	Philadelphia	Flour and provisions	296	14	2	Philadelphia	do
Ancon	November 15	Bolivar	.....	....	.....	.....	.....	.....	.....	.....	
At sea	December 11	Cora	.....	....	.....	.....	.....	.....	.....	Pisco	Ancon
Callao	December 14	Nautilus	Cunan	Geo. Nash & Co	Salem	Provisions, &c	252	14	3	Valparaiso	do
do	December 18	Snipe	Haig	....	Calcutta	Copper	223	23	6	Copiopo	Calcutta
do	December 19	Enterprise	Clark	W. Bottomly	Lynn	Sundries	184	11	.....	Ancon	Chorillos
	1825.										
Chorillos	January 1	Olive Branch	Hutton	P. P. Ritchie	London	Provisions	204	.....	.....	.....	do

A list of merchant vessels boarded—Continued.

Where boarded.	When boarded.	Vessel's name.	Masters' name.	Owners' name.	Where built or belonging.	Lading.	Number of—			Where from.	Whither bound.
							Tons.	Men.	Guns.		
	1825.										
Chorillos	January 11	Brig Livonia	Wilson	Rd. Hodge	Sunderland	Bread and fruit	216	12	.....	Valparaiso	Chorillos.
do	January 15	Packet	S. Tyler	Brown & Leg	Providence	Sundries	205	7	4	Quilca	do
do	do	Ship Jane	Galager	Archer & Bispham	Philadelphia	do	327	18	2	do	do
do	do	Brig Laura	Holman	John Derby	Salem	Flour and dry goods	200	12	2	do	do
do	do	Ship Panther	Austin	J. C. Ellison	Boston	Flour, &c	450	29	14	Boston	Coast of Peru.
Callao	January 17	Portia	Silliman	Silliman	Charleston	Flour	272	14	.....	Valparaiso	Callao.
Chorillos	January 21	Dragon	Chiswell	G. Mollison	Liverpool	Pisco	176	10	.....	Pisco	Chorillos.
do	January 23	Rubicon	Patterson	.....	New York	Provisions	143	11	2	do	Lima.
do	February 12	Leopold	Woodbury	Wm. Cochran	.....	General cargo	196	13	2	do	Chorillos.
do	February 14	Tartar	Gerry	Bryant & Sturges	Boston	Ballast	400	9	6	Quilca	do
do	do	Sereno	Hodges	Fish & Bridges	Boston	do	207	10	.....	Guayaquil	do
do	February 18	Elizabeth	Rios	Peru	Chorillos	Soldiers	.....	.....	.....	Pisco	do
do	do	Enterprise	Clark	Bottomly	Lynn	do	184	12	.....	do	do
do	February 19	Clio	Jackson	....	Boston	Leather	.....	.....	.....	Huacho	
do	February 15	Minerva	Lombard	W. Rock & Co	New Bedford	Ballast	230	.....	.....	do	
do	do	Heroine	Wm. Heath	Benj. Banks	Scituate, Mass	.....	337	14	4	Boston	Boston.
do	do	Brig Carlo	Hall	N. B. Gram	New York	Flour	225	8	2	Philadelphia	Uncertain.
do	do	Ship Portia	Silliman	Silliman	Charleston	do	272	15	1	Alexandria	Gibraltar.
do	do	Brig Active	Neal	W. P. Richardson	Salem	.....	211	12	2	Salem	Uncertain.
do	do	Sereno	Hodges	Fish & Bridges	Boston	Ballast	207	11	.....	Boston	do
do	do	Geo. Gardner	Davidson	Messick & Johnson	Baltimore	Assorted cargo	344	16	2	Baltimore	do
do	do	Ship Alfred	Zuill	Peter Harmony	New York	do	232	16	.....	New York	Unknown.
do	do	Arethusa	Merrille	Thos. Sheaf	Portsmouth	do	319	15	1	Baltimore	Uncertain.
do	do	Brig Colon	Ford	I. Thorndike	Boston	do	208	12	2	do	Arica.
do	do	Nautilus	Curren	Nichols & Co	Salem	Flour	268	10	3	do	Uncertain.
do	do	Ship Wm. Penn	Smith	W. Patterson & Co	Baltimore	do	305	11	4	do	do
do	do	Jane	Galager	Archer & Bispham	Philadelphia	Sundries	327	18	2	Philadelphia	do
do	do	Gen. Brown	Copland	Eckford & Harmony	New York	Assorted	550	26	2	New York	do
do	do	Tartar	Gerry	Bryant & Sturges	Boston	Ballast	402	13	6	Canton	Canton.
do	do	Brig Garnet	Lewis	Ross & Brintnall	Boston	do	215	.....	.....	Boston	Uncertain.
do	February 21	Sch. Britannia	Brown	Weeks & Birch	Southampton	General cargo	106	8	4	Quilca	Chorillos.
do	February 24	Gen. Carreno	J. Bap. Ferand	.....	Panama	do	47	6	.....	Panama	do
do	February 27	Fipshire	Frero	Robinson	London	do	145	14	2	Huacho	do
do	do	Sarah and George	Gordon	E. Merrill	Portland	do	156	11	.....	Valparaiso	do
do	do	Brig Nero	Herning	Nicholson	Liverpool	Jerk beef, &c	124	8	.....	do	do
Valparaiso	March 26	Olive Branch	.....	.....	.....	Salt	.....	.....	.....	Huacho	Valparaiso.
do	do	Columbia	.....	.....	Liverpool	Dry goods	.....	.....	6	Liverpool	do

A list of merchant vessels boarded—Continued.

Where boarded.	When boarded.	Vessel's name.	Master's name.	Owners' names.	Where built or belonging.	Lading.	Number of—			Where from.	Whither bound.
							Tons.	Men.	Guns.		
	1825.										
Valparaiso	March 29	Brig Pacific	Scott	Bacon & Richardson	Duxbury		127	11		Boston	Valparaiso
do	do	Stranger	Sumner	Ml. Hogan	New York.	Salt	230	11	3	Valdivia and	do
Coquimbo	May 18	Ship Cadmus	N. O. Carey	Israel Thorndike	Boston	Oil, 1,600 bbls	319	26	7	Eimeo..[Chiloe.	Boston.
do	May 9	Hydaspe	Paddock	Flenning	Stonington	Oil, 1,650 bbls	315	23		Wahoo	Stonington.
do	May 12	Tarquin	Banker	D. Elkin	Nantucket	Oil, 1,700 bbls	310	19		Valparaiso	Edgarton.
do	May 6	Rose	S. Cottle	J. Starbuck	do	Oil, 2,100 bbls	379	22	1	do	Nantucket.
do	May 27	Brig Carlo	Hall			Flour				Chorillos	
Chorillos	June 7	Ship Superior	Andrews	Brown & Jones	Providence	Sundries	375	20	4	Valparaiso	A market.
do	do	Brig Catalina	Walters	Fanning	Peru	Rice, &c.				Lumbraco	do
do	June 8	Ship Caroline	Cheever	Jos. Roops	Salem	Flour	321	16	4	Arica	Chorillos.
do	June 9	Brig Charlotte	Gambier							Callao	
do	June 11	Ellen	Simpson	D. Hollion	London	Wine	134	9	4		
do	June 19	Britomart	White	S. J. & J. Somer	do	Ballast	243	14	2	Callao	do
do	June 17	Adventure	Smith	Warrel	Liverpool	Merchandise	163	10		Quilca	
do	June 18	Naiad	McClunie		Philadelphia	Assorted cargo	259	13	4	Arica	do
do	June 23	Divan	Wm. Whatson		Liverpool	Cocoa	180	10		Guayaquil	do
do	June 24	Stranger	G. White	O'Brian	New York	General cargo	225	9	1	Valparaiso	do
do	do	Winifred	Wm. Burry	Esquabourn	Alexandria	Ballast	200	7		Guayaquil	do
do	June 28	Sch. Four Brothers	Anto. Frera							Pisco	
do	June 29	Thalia	R. Hazzard	Hazzard	London	Spars, &c.	206	10		Arica	do
do	July 1	Basteracha	Murphy				45	10		Quilca	do
do	do	Brig Livonia	P. Goodlet	Patriots	London	Officers	137	6		Huacho	do
do	do	Gratitude	Ml. Ariato	D. Mills	Sunderland	Sundries	155	9		Labraque	do
do	July 2	Ladiago	Wm. Quick	Patriots	Guayaquil	General cargo	196	10		Guayaquil	do
do	do	Jane	Kain	do		Timber, &c.				Quilca	do
do	do	Antelope	Reynoldson	Dawson	South America	Indigo	157	9	6		Lima.
do	July 4	Pelica	R. McClunie	Bishenter	Liverpool	Sundries	185	14	2	Liverpool	Chorillos.
do	do	San Pedro	Roberts		Valparaiso			10		Pisco	do
do	July 7	Potomac	Dexter	John H. Howland	New York.	Provisions	200	9	2	Guanchaco	do
do	July 8	Lincoln	Thomas	Lincoln	Boston	Wine	210	10		St. Lorenzo	do
do	do	Sch. James Monroe	Forbes	Baltimore		Sundries	171	12		Valparaiso	do
do	do	Brig Sarah & Eliza	Plaskett	New York		Provisions		7		do	do
do	July 11	Ship Panther	Austin	Elery	New York	do				do	do
do	do	Brazilian	Hatch	Griswold	do	Sundries	240	7		Rio Janeiro	do
do	do	Midas	Hutchins	Messicks	Baltimore	do	265	2		Arica	do
do	July 14	Young Caledonia	McCanley	Robinson	Lima	Pisco	30	5		Pisco	do
do	July 15	Peruvian	Buckanam	Robins	do	do				do	do

A list of merchant vessels boarded—Continued.

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							Tons.	Men.	Guns.		
	1825.										
Chorillos	July 15	Ship Lovely Frances	Sullivan	....	London	Cococa	120	9	.....	Guayaquil	Chorillos.
do	do	Herald	Brown	Nichols	Salem	Sundries	240	16	2	Arica	do
do	July 17	Brig Merope	Weiddy	Howland	New York	do	325	20	4	Guanchaco	do
do	July 21	Fatima	Christall	Ramsay	Philadelphia	do	170	10	2	do	do
do	July 25	Sch. America	Eldridge	Evans	do	Rice	.....	.....	.....	do	do
do	July 27	Sea Serpent	Marshall	Gomes	New York	Cocoa	.....	10	2	Guayaquil	do
do	do	Clyde	Vesterham	do	Liverpool	Provisions	220	.....	.....	Valparaiso	do
do	July 28	Friendship	.....	.....	.....	.....	.....	.....	.....	.....	do
do	do	Nautilus	Curran	G. Nicholson	Salem	Ballast	.....	.....	.....	San Lorenzo	do
do	July 30	Scotland	do	Findell	do	Sundries	252	13	2	Payta	do
do	do	Armada	do	Gibson	Scarborough	do	146	8	.....	Quilca	do
do	do	Ship London	Edwards	Edwards & Stewart	New York	do	407	32	8	Arica	do
do	August 4	Brig Bolivar	Burton	.....	Liverpool	do	200	15	2	St. Blas	do
do	do	Blutcher	Neil	....	do	do	200	15	2	do	do
do	do	Junius	Carter	F. Bage	Greenock	Firewood	115	10	2	California	do
do	August 8	Earl Wellington	Potts	W. Pottes	London	Sundries	132	11	2	Valparaiso	do
do	August 9	Gen. Sucre	.....	.....	Peru	Pisco	141	8	.....	Pisco	do
do	August 10	Sta. Teresa	.....	Matled	Paita	Cocoa	90	11	.....	Guayaquil	do
do	do	Ed. Francis	.....	John Green	Guayaquil	.....	100	6	.....	Callao	do
do	August 13	Caledonian	Holman	Bagg	Liverpool	Sundries	355	23	14	Valparaiso	do
do	August 18	Sacrament	Manuel	Limbraco	.....	do	100	9	.....	.....	do
do	August 21	Frederick	Penney	Nixon McCall	Connecticut	Ballast	140	10	.....	Guayaquil	do
do	August 25	Rimac	Wm. Barney	Alsop	New York	Sundries	114	8	.....	Guanchaco	do
do	August 29	Gov. Clinton	Hepburn	Griswold & Co	do	do	350	17	2	New York	do
do	August 30	Dragon	Chiswell	Molison	Liverpool	do	176	9	.....	Lambeaque	do
do	do	Eth. Ann	.....	.....	.....	.....	.....	.....	.....	Guanchaco	do
do	September 2	Mary	Laird	Scott	St. Andrew's	Sundries	190	12	1	Glasgow	do
do	September 8	Fortune	Cristall	Aguya	Lima	Ballast	177	11	2	Pisco	do
do	September 12	Ship Portia	Tripp	Hathaway	Valparaiso	Wheat	160	11	.....	Valparaiso	do
do	September 19	Gamo	Mackey	Punster	do	Provisions	.....	6	.....	Arica	do
do	September 22	Anglo Gardiner	Blanc	.....	St. Marlo	Sundries	358	18	.....	Quilca	do
do	do	Brig Garnet	Lewis	Brumhall & Ross	Boston	Chili produce	195	.....	.....	Valparaiso	do
do	September 26	Sch. Conception	Baker	Fernando Amito	Valparaiso	Pisco	85	7	.....	Pisco	do
do	September 27	Britannia	Humphreys	.....	St. Brieux	Linen	207	9	4	Arica	do
do	September 29	Cora	Dott	John Bayarbo	Chorillos	General cargo	197	10	.....	do	do
do	October 3	Jane Corim	B. Junca	Ildondo & Ork	Bordeaux	Ballast	350	24	4	California	do
do	October 5	Brig Active	Neale	W. P. Richard	Salem	do	211	12	2	Guayaquil	do

A list of merchant vessels boarded—Continued.

Where boarded.	When boarded.	Vessel's name.	Master's name.	Owners' name.	Where built or belonging.	Lading.	Number of—			Where from.	Whither bound.
							Tons.	Men.	Guns.		
	1825.										
Chorillos	October 7	Sch. Ariel	Dixon	Brookbind	Whitehaven	General cargo	114	10	2	Arica	Chorillos.
do	October 10	Sea Serpent	Marshall	Fabian Gomes	Chili	Cocoa	100	9	2	Guayaquil	do
Callao	November 3	Rio	Smith	Smith & Co		Sugar, rice, &c	250	10	4	Lambeaque	do
Chorillos	November 10	Macon	Smith	Smith	Antwerp	General cargo	200	11	2	Rio	do
do	November 18	North Point	Patten	J. Donnelson	Baltimore	do	480	21	4	Arica	do
do	November 20	Almado	Cross	Wm. Robinet	Guayaquil	Sundries	160	11		Guayaquil	do
do	November 24	Peru	Johnson	S. C. Philips	Salem	Flour, &c	200			Valparaiso	do
do	December 1	Pomona	Chas. Gaspar	Holands	London	Timber	57	6		Chiloe	do
do	December 3	Sarah George	Hordon	Merrit	Portland	Cocoa	106	11	2	Guayaquil	do
do	do	Flor. del Mar	Rodriguez	do	Guayaquil	Wheat				Valparaiso	do
do	December 4	Tersiana	Jenning	Gomes	Lima	Pisco				Pisco	do
do	do	Rubicano	Obejo	Loro	do	Pisco	257	15		do	do
do	December 6	Emerald	Salverson	Bunster	N. America		100			Valparaiso	do
do	do	Fermina	Baker	Beacha	Guayaquil	Sundries	220	10		Aricon	do
do	December 7	Peruvian	Prunier	Brunner	London	Wheat	121	8		Valparaiso	do
do	do	Franco. Isabella	Usher	Whitehouse	do	Rice	29	4		Huanchaco	do
Salinas Bay	December 8	Success	Ross	Ross	do	Salt	75			Chorillos	Coquimbo.
do	December 11	Olive Branch									do
do	do	Diligent	Pettit		Antwerp	Salt	75			Huanchaco	Chorillos.
do	do	Thalia	Hazard		London	Salt	200				do
Huacho	December 12	Ship Peruvian	Mary	Christopher & Sons	North river	110 bbls. oil	331	22		Nantucket	Uncertain.
do	do	Gelgond	Brock	G. Howland	Scituate	10 bbls. oil	333	22		New Bedford	New Japan.
do	December 21	Elizabeth	Snow	Douglas	Baltimore	Sundries	300	11	4	Valparaiso	Chorillos.
do	December 23	Laura	Centre	Hollings	New York	do	234	13	4	do	do
do	December 27	Cherub	Casson	Clint	New Castle	Wheat	200	12		Talcahuana	do
do	December 28	Porter	Callan	Porter		Sundries	106	12		Arica	do
do	do	Ayachuco	Murphy	Begg	Lima	do	100	12		do	do
do	do	Peruvian	Salis	Pettretan & Sons		do	329	21	6	Quilca	do

Copy of a letter from Commodore Isaac Hull to the Secretary of the Navy, dated—

U. S. Frigate United States, *Callao Bay, December* 31, 1825.

I have had the honor to receive your two letters of 24th May last, relative to the state of affairs on this coast, and expressing a hope that, from the changes that have taken place since I have been in this sea, I could be enabled to leave the coast for the purpose of visiting the neighborhood of the Sandwich and Friendly Islands, and return by the way of the coast of California and Mexico.

I regret to state that the changes, though great, that have taken place, are not such as, at the time you wrote, might have been supposed; as, in consequence of the holding out of the castles of Callao, contrary to the expectations of every one, and directly contrary to the articles of capitulation, the situation of our commerce has not received all the benefit that we had reason to hope and believe it would, when we were first made acquainted with the surrender of the Spanish army, and the articles of capitulation that followed, as it was confidently believed that the castles of Callao would be given up, and that our ships would immediately have the benefit of the fine Bay of Callao, and the protection of the castles, when in the possession of the patriots, and that, within a very few months, there would be a settled and permanent government in Peru.

In consequence, however, of the obstinacy of General Rodil, in holding the castles of Callao, our ships have been driven from the bay, and have been compelled to discharge their cargoes in an open roadstead at Chorillos, for the last twelve months, where there is constantly a heavy swell setting in, which causes them to roll very heavy, and frequently for several days in succession boats cannot land without great danger; many boats have been stove by the violence of the surf, and many lives have been lost; and in many instances great damage has been done to the cargoes when landing, and in transporting the goods to Lima; nor have the changes in the affairs of the government of Peru been such as was anticipated, indeed it can hardly be called a government. General Bolivar has been called to the interior, and has been absent many months, and little has been done by those left in charge of the government to establish a permanent and regular form for one; little has been done but to keep up a close siege and blockade of Callao, which has been done at an immense expense, and has caused the patriots to keep up a large force before Callao, and in the neighborhood of Lima.

The congress is soon to meet at Lima, and General Le Mar arrived the day before yesterday to take the command, it is believed, civil and military, and it is believed much good will result from the changes that are about to take place.

Such has been the state of affairs for the last six months, I have considered it proper to remain at Chorillos for the protection of our merchant ships, to give them such aid as they might require, in the event of the surrender of the castles, which has been expected from day to day for the last ten or eleven months.

Should the situation of affairs in Peru and Chili remain as they now are, and have been for many months past, I shall deem it improper for this ship to leave the coast to visit the islands as directed, and as I have, in part, anticipated your wishes by sending the Dolphin the precise route pointed out by you, my present intention is, to wait her return, as she may be expected in about six weeks or two months, and ascertain the result of her cruise, and immediately dispatch the Peacock or this ship in furtherance of your orders of the 24th; much, however, will depend on the state of Peru and Chili, and the report of the Dolphin on her return, which vessel goes, this ship or the Peacock; and I most earnestly hope that, in using my best judgment and discretion, I shall decide in a way that will meet your approbation."

Copy of a letter from Commodore Isaac Hull to the Secretary of the Navy, dated—

United States Frigate United States, *Callao Bay, January* 24, 1826.

I have the honor herewith to forward the articles of capitulation of the castles of Callao, which have this moment been furnished to me by the politeness of Sir Murray Maxwell, commander of the Briton, now at anchor under the castles.

My officers that landed at Callao represent the town as being in a most deplorable state; many houses are entirely destroyed, and the patriots are now burying the dead from their dwellings, where they have perished for want of food; some of them appear to have been dead many days.

The Peacock is now in sight, standing for this bay, and I hope she will arrive in time for me to forward any letters or news that Captain Jones may have from Valparaiso.

The merchant ships are all at Chorillos, and will remain there until the town of Callao is in a state to open a communication with the shipping and Lima. I shall send the Peacock to Chorrills, to give our ships such aid as they may require in coming to this bay. They will all be down in three or four days."

Extract of a letter from Commodore Isaac Hull to the Secretary of the Navy, dated—

United States Frigate United States, *Callao Bay, January* 21, 1826.

"As the war is now at an end on this side of Cape Horn, and as, in all probability, the Spanish government will despair of ever getting a foothold, either in Chili or Peru again, I respectfully submit to you my opinion as to the force that appears to me best calculated to give protection to our commerce on this coast, in a state of peace, or until regular governments are established in Chili and Peru; for, until regular governments are established, it appears to me absolutely necessary that we should have a naval force in this sea, as, in all probability, the governments of Chili and Peru will now lay up their ships of war and discharge their crews; and as there will be no employment for them, and as the service they have been employed in for years past has been such as to give them the worst habits, and the most of them, officers as well as men, totally devoid of principle, I have no doubt but they will resort to plunder and piracy for a living, unless a force is kept on the coast to prevent it. I should, therefore, recommend one or two large sloops, and one schooner, on the coasts of Chili and Peru, and two schooners to the northward; one of them stationed on the coast of Mexico, and the other still further north. These vessels to be kept constantly moving up and down the coast, by which means our commerce would be protected, and our merchants would have a constant and safe communication with the United States, by way of Panama, and the commanding officer on the station would receive intelligence from home, by that route, much sooner than by Cape Horn.

Our commerce is daily increasing on the whole coast, and particularly by the way of Panama to Guayaquil, and along the coast to the northward; and heretofore, the state of this part of the trade has been such, and our force so limited, that a vessel could not be spared to give protection to our commerce on that coast, although frequent applications have been made by the merchants for a vessel to be sent there.

Extract of a letter from Commodore Isaac Hull to the Secretary of the Navy, dated—

UNITED STATES' FRIGATE UNITED STATES, *Coquimbo, March* 28, 1826.

I am convinced that our commerce has been heretofore, and will be for many months, more exposed on the coast of Peru, than at Valparaiso or on the coast of Chili. I remained at Valparaiso twenty-six days, which enabled me to accomplish the object of my visit there; and as there was no necessity for my remaining there longer, everything relating to our commerce being quiet where this ship would be of use, I sailed for this port on my way to Lima, intending to call in at all the intermediate ports, between here and that place, where our merchant ships visit.

Extract of a letter from Commodore Isaac Hull to the Secretary of the Navy, dated—

U. S. FRIGATE UNITED STATES, *Callao Bay, Peru, April* 25, 1826.

"I have the honor to report to you my return to this port, after an absence of nearly three months. I remained four weeks at Valparaiso; touched for a few days at the intermediate posts, (Coquimbo, Huasco, Arica and Quilca.) The three last-mentioned places I never before had it in my power to visit; they are each much frequented by our merchant vessels, and I was happy to find that our countrymen were there treated with respect.

I received every mark of civility from the authorities of the government at each place, and having visited them in this ship, will, I think, have a favorable effect.

Extract of a letter from Commodore Isaac Hull to the Secretary of the Navy, dated—

U. S. FRIGATE UNITED STATES, *Callao Bay, May* 26, 1826.

As this vessel sails immediately, I have only a moment to inform you that the officers and crews of this ship and the Peacock are in good health, and that nothing of recent date has taken place to interrupt our commerce on this side of the Cape. We have now a large number of valuable ships on this coast, with valuable cargoes, and I am sorry to say they have come to a bad market, and must suffer great loss.

The Peacock is under orders to proceed in execution of that part of your instructions directing me to go with this ship, or dispatch one of the vessels under my command, to the Sandwich and other islands in the Pacific ocean, for the protection of our commerce. Captain Jones is directed to run down the coast as far as Paita, for the purpose of laying in stock and other articles for his crew, which are absolutely necessary, and cannot be purchased here. From Paita he will proceed direct to the Marquesas, and remain there as long as in his judgment is necessary; and from the Marquesas he is directed to visit Otaheite and such other of the Society Islands as to him may appear necessary in furtherance of the object of his cruise; he is then to visit the Sandwich Islands, and after remaining there as long as may be necessary to accomplish the object of his visit, he is to use his discretion as to going to the coasts of California and Mexico. Should he arrive at the Sandwich Islands in time to visit the coasts of California and Mexico before the term of service of his crew shall have expired, and his ship in every other way in a condition to perform the cruise, he is ordered to do so; but should there be any uneasiness among his crew on account of their time being out, or any other circumstance that, in his opinion, the good of the service requires it, he is to return to this port from the Sandwich Islands, touching in at the ports to the northward, on the coast of Peru, to give protection to our ships that are daily leaving here for ports to the northward.

The Peacock has a healthy and fine crew, and no pains have been spared to fit her in the best possible manner for the cruise she is to perform.

(Here follows in the original documents a correspondence of Captain J. D. Elliot, of the navy, and others, relating to affairs with Brazil, which will be found in volume 6, on Foreign Relations, No. 238, from page 277 to 293, inclusive.)

Extracts from a letter from Commodore James Biddle, dated—

UNITED STATES FRIGATE MACEDONIAN, *Rio Janeiro, September* 11, 1826.

Your general order of 10th July last, making known the lamented death of our venerable and venerated fellow-citizen, John Adams, was received last evening by an arrival from Baltimore. Your general order of the 7th of the same month, to which it refers, has not yet been received; and I could not, therefore, know the funeral honors, as they had been prescribed by the Department. At sunrise, this ship and the Boston displayed their colors half-mast, and so continued them throughout the day. Each ship fired thirteen minute guns at sunrise, at noon, and at sundown.

The death of the illustrious patriots, John Adams and Thomas Jefferson, will be lamented by the enlightened and the good in every part of the world, without regard to the distinctions of climate or nation. The British men-of-war in this harbor testified their respect on the occasion, by displaying their colors at half-mast; and I wrote a note to Captain King, the senior officer, expressive of my thanks for the respectful manner in which the ships under his command had noticed this mournful dispensation of Providence.

I shall leave orders here for Captain Elliot to testify the national respect for the character and services of these illustrious citizens, and the national sorrow for their loss, in like manner with ourselves, should he not have previously paid funeral honors at some other port.

S.

EXTRACT OF A LETTER FROM COMMODORE WARRINGTON.

Commodore Lewis Warrington to the Secretary of the Navy.

U. S. SHIP CONSTELLATION, *Pensacola, August* 10, 1826.

The John Adams is on the south side of Cuba: the Hornet is on the north side, watching the old Bahama Straits, Matanzas, and the Double Headed Shot Keys.

No piracies have been committed since my last letters. Depredations on our commerce are fortunately unheard of where they were formerly so frequent, and no interruption has been experienced by it.

I shall be off Cuba in a few days. The squadron enjoys health, and this ship to an uncommon extent.

T.

CORRESPONDENCE IN RELATION TO THE CRUISE OF THE SLOOP-OF-WAR LEXINGTON FOR THE PROTECTION OF THE FISHERIES.

Copy of a letter from W. B. Shubrick to Stephen Thacher, Esq., collector at Eastport, dated—

U. S. SHIP LEXINGTON, *June* 19, 1826.

I have arrived in this harbor, on my way to the fishing grounds frequented by the citizens of the United States, for the purpose of protecting the said citizens in their rights; and, at the same time, observing that they do not, on their part, give any just cause of complaint by trespassing on the rights of others.

I request that you will have the goodness to give me any information that you may have received on these subjects, and point out to me the fishing grounds most frequented by our citizens during this and the two ensuing months.

S. Thayer, deputy collector, to Master Commandant W. B. Shubrick.

CUSTOM HOUSE, *Lubec, June* 24, 1826.

In answer to your letter of the 19th instant, I beg leave, in the absence of Mr. Thacher, to observe, that no information, which ultimately proved to be true, has been received the present year, that the rights of our citizens engaged in the fisheries have been infringed. The presence of an armed vessel of the United States on this station, the past fishing season, with the expectation that one would be sent, the present year, to protect our rights, has had, without doubt, a most salutary effect.

The places most frequented by our citizens engaged in the fisheries, during the present and two succeeding months, are the Grand Menan banks; the Nova Scotia shore, from Annapolis to Cape Sable; the Bay Chaleur, round the Magdalen Islands; the Straits of Belleisle, and the Labrador coast, as far as the Great Bay of Esquimaux.

Master Commandant W. B. Shubrick to the Secretary of the Navy.

U. S. SHIP LEXINGTON, *Eastport, June* 26, 1826.

Since my letter of the 13th instant, in which I had the honor to announce to you my arrival at this place, I have conversed with the deputy collectors for Eastport and Lubec, and have the satisfaction to say that I cannot learn from them, or from any other source, that any interruption has been given to the pursuits of the citizens of the United States engaged in the fisheries, this season.

U. S. SHIP LEXINGTON, *New York, September* 5, 1826.

SIR: In my letters of the 18th and 20th June, and the 6th of July, I had the honor to make you acquainted with my proceedings up to the last date.

After leaving Eastport, I passed south of the North Seal Island, west of the Island of Grand Menan, and along the coast of Nova Scotia, as far as Cape Canso. Passing through the Gut of Canso, I anchored at Entry Island, one of the Magdalen groupe. Leaving the Magdalen Islands, I made the Island of Newfoundland at Cape Ray, run down the northeast coast of the island, and anchored at the Bay of Islands. From the Bay of Islands, I continued down the coast of Newfoundland as far as Cape Rich, from which I crossed over to the coast of Labrador, and anchored at Blanche Sablon, and coasted from thence as far as 54 deg. 45 min. north, visiting, either with the ship or boats, all the harbors most resorted to by American fishermen.

I did not go farther north, because the navigation had become very unsafe, from the immense quantities of ice on the coast, and I could not learn that any fishermen had gone beyond Greedy Island, in 53 deg. 45 min. north.

On the 1st of August, being then in 54 deg. and 45 min. north, the ice extended, in apparently a solid body, from northwest to southeast. Returning through the Straits of Belleisle, I met, on the 9th of August, the British sloop-of-war Orestes, Captain William Jones, and we anchored nearly at the same time, at Isle au Bois. After exchanging civilities in the most cordial manner, Captain Jones and myself visited, together, the fishing establishments of Blanche Sablon and Brasdor.

A few days before I fell in with the Orestes, she had run against an island of ice, and lost her bowsprit. Fogs and strong southwest winds kept us together for a week, during which time the most friendly intercourse was kept up between the officers of the two ships.

After leaving Isle au Bois, I passed again along the north coast of Newfoundland, to Cape Ray, between Cape Ray and Cape North, and along the coasts of Cape Breton Island and Nova Scotia, with the intention of going again to Eastport; but, in consequence of light winds and thick fogs, I did not get to Cape Sable until the 29th ult.; when, finding I could not go into the Bay of Fundy without a very

great probability of being detained after the 15th of September, I determined to make the best of my way to this place.

The American fishermen in the Bay of Fundy have not experienced any interruption in their pursuits this season, nor have any complaints, so far as I could learn, been made against them. They, as well as the inhabitants of Eastport, speak in terms of approbation of the conduct of the present commander of the English brig-of-war Dotterel. Many of the difficulties complained of hitherto in the Bay of Fundy, have arisen from the circumstance of our fishermen, belonging to Eastport, Machias, and Lubec, having formed matrimonial connections with the inhabitants of Grand Menan, and being induced thereby to visit the harbors of that island for other purposes than "for shelter," "repairing damages," "purchasing wood," or "obtaining water."

While in the Bay of Fundy I saw no British cruiser, except the one mentioned in my letter of the 6th of July. On the coast of Nova Scotia I saw not one American fisherman. I spoke almost every schooner that I saw, but they all proved to be from the small settlements on the coast, except an English schooner from Quebec, bound to Jamaica.

The American fishermen who have resorted to the Magdalen Islands, have not, that I could learn, at any time experienced any interruption, either from the cruisers or from citizens of any nation. They have taken their fish on the shoals around the islands, and, by agreement with the inhabitants, made (or cured) them on Amherst Isle, one of the group, loaded their vessels, and gone home; mutual harmony subsisting all the time.

On the northwest coast of Newfoundland, not one American fisherman is to be found: they have been obliged to abandon all the fishing grounds around the islands, in consequence of the vexatious conduct of the French cruisers, and the agents for the French fishing establishments on the coast, who have driven them from the harbors, at times when shelter, if not absolutely necessary, was very desirable; not allowing them to procure wood or water, or even to take fish enough for their immediate use. This conduct operates with great severity on our citizens, as the best harbors in the Straits of Belleisle are on the Newfoundland side, abounding in fish and bait, and affording great facilities for procuring wood and water. From this coast the ice clears at least a fortnight earlier than from the opposite one of Labrador, and hence, fish are to be taken here so much earlier. It was the custom of our fishermen, formerly, to take one-third, and sometimes one-half of their fares on the Newfoundland side, and *thence* cross to Labrador at as early a period as they can *now commence* their fishing. On crossing over to the coast of Labrador, American fishermen are to be found in great numbers, from Phillipian Bay to Cape Charles; they have uninterruptedly pursued their occupation of taking fish, and only in one instance, that I could learn, has there been any demands made on them for the privilege of drying them on shore.

At Brasdor, a Mr. Jones, who claims to be proprietor of the surrounding rocks, has demanded from each American vessel, one, and sometimes two quintals of fish, for the privilege of drying them on shore; this has generally been acquiesced in cheerfully; some of the fishermen, however, complained to me, that they thought it an unjust exaction, because they doubted if Jones could prove his ownership in the rocks, they being separated from the main land. I conversed with Jones on the subject, and he promised me that he would procure from the proper office at St. Johns a copy of an official record, which would satisfy any doubts that might be entertained by the fishermen, or by any American officer who might visit that place hereafter. My own opinion is, that Jones only exercises a right that is clearly his; he resides at this place all the year, and is, therefore, an inhabitant, as well as proprietor of the soil.

There have not been so many vessels employed in fishing this season as for several seasons past, and very few have gone further north than Cape Charles. At Greedy Island, where Captain Parker found twenty or thirty sail, I found but one; at Indian Island none, and not more than six altogether; have gone as far as 53 deg. 30 min. north.

In all my intercourse with the fishermen, I have been at great pains to impress on their minds that, while it is the intention of the government to protect them in all their rights, it is, at the same time, bound to prevent them from trespassing on the rights of others; and that I should feel it equally my duty to report any misconduct on their part, as to resent any injury done to them.

It gives me great pleasure to be able to say, that the conduct of all my officers has been perfectly satisfactory. I have, during a cruise made perilous by immense quantities of ice, thick, and almost constant fogs, inaccurate charts, and pilots unused to any vessel larger than a fishing smack, received from each, in his respective situation, the most zealous and efficient assistance.

I have the honor to be, sir, very respectfully, your obedient servant,

W. B. SHUBRICK.

Hon. SAMUEL L. SOUTHARD, *Secretary of the Navy, Washington.*

U.

PAPERS IN RELATION TO THE GREEK SHIP LIBERATOR.

HOUSE OF REPRESENTATIVES, *May* 10, 1826.

SIR: The Committee on Naval Affairs have instructed me to inquire of the Department of the Navy whether the arrangements made by the Department, for executing the act of the 29th April, 1816, for the gradual increase of the navy, would be injuriously interfered with if the building of one of the frigates authorized by that act should be suspended for the present, and the timber for her frame secured, and the government be authorized to purchase, in lieu of such frigate, for the naval service, a ship of equal, or rather superior force, if the same can be procured for the United States on advantageous terms.

Your respectful and obedient servant,

H. R. STORRS, *Chairman Naval Committee.*

Hon. SAM'L L. SOUTHARD, *Secretary of the Navy.*

Copy of a letter from the Secretary of the Navy to the Hon. Henry R. Storrs, chairman of Naval Committee, House of Representatives, dated—

MAY 12, 1826.

In answer to your letter of the 10th, I have the honor to state that I do not perceive that the arrangements made by the Navy Department, for executing the law of the 29th April, 1816, for the gradual increase of the navy, would be, in any respect, injuriously interfered with, if the building of one of the frigates authorized by that act should be suspended for the present, and the timber for her frame secured, and the Executive be authorized to purchase, in lieu of such frigate, a ship of equal or superior force. The timber may be so secured as to prevent any injury to it, and it will be necessary either for building or repairs at some future period.

Copy of instructions from the Secretary of the Navy to Commodores William Bainbridge, Isaac Chauncy, and Jacob Jones, dated—

MAY 29, 1826.

At the late session of Congress a law was passed, of which I enclose a copy.

It is understood that there are now lying at New York two vessels coming within the description contained in the law, built by or under the agency of G. G. & S. Howland, and of Le Roy, Bayard & Co.

It is the wish of the Department that you examine those vessels, with as little delay as practicable, and furnish a full report of their state and qualities, with an estimate of their value.

Copy of a letter from Commodores William Bainbridge, Jacob Jones, and I. Chauncy, to the Secretary of the Navy, dated—

WASHINGTON, *June* 21, 1826.

We have had the honor of receiving your letter of the 26th ultimo. We examined the ships therein referred to, and think the one called the Liberator the best adapted for the public service of the United States. Her size is that of a forty-four of the first class. She appears to have been faithfully built, though her frame, being of white oak, is, as respects the material, greatly inferior to that of the ships building under the law for the gradual increase of the navy.

With respect to the "state and qualities" of this ship, we can only observe that she is new, and appears to be sound throughout; and from her form and dimensions, we should judge favorably of her qualities.

We have carefully prepared, and now respectfully submit, the accompanying estimate (A) as to her value, including her cannon and carronades, and such quantity of shot (particularly mentioned in the estimate) as is allowed to a vessel of her class about to proceed on a cruise, of the kind stated in the inventory.

Copy of instructions from the Secretary of the Navy to J. K. Paulding, Esq., Navy agent, New York, dated—

AUGUST 12, 1826.

I enclose to you an estimate of the value of the sixty gun ship, now lying at New York, said to have been built by Le Roy, Bayard & Co., and G. G. & I. S. Howland, for the agents of the Greek government. By this estimate you will perceive that certain materials for its equipment are embraced in the general amount. The legal title of the ship is now said to be in the arbitrators who were selected to setttle the controversy between the builders and the Greek agents.

You are hereby instructed to place the papers before the district attorney of the United States for the State of New York, and obtain from him an opinion as to the right and power of the arbitrators to transfer the title to the United States, should a purchase be made; and if it be his opinion that a good title can be made, you will obtain from him the papers necessary and proper to make the conveyance legal, and purchase said vessel from those authorized to sell it for the amount of said estimate, viz: $230,570.97.

You may permit the agents or owners of the other Greek vessels to take from this any articles which are on board, designed for its equipment, deducting from the amount of the estimate the estimated value of such articles as are taken.

Should you make the purchase, let the vessel be delivered immediately to Commodore Chauncy. The amount of the purchase money has been remitted to you by this day's mail.

It is desired that not the least delay be permitted in concluding this transaction.

A.

Estimate of the value of the ship-of-war, the Liberator.

Wood of every description for the hull, with a live oak frame, would cost $65,000. In this frame there are about 24,000 cubical feet. Live oak costs $1.42½, and white oak is estimated at 60 cents; difference 82½ cents per cubical foot, $19,800, deducted from the $65,000, leaves	$45,200 00
Iron	9,795 00
Copper and composition	27,140 00
Standing and running rigging, cables, hawsers, and messengers, per inventory	12,698 00
Chain cables, { 75 fathoms of 1 5/8 / 45 do 1¾ }	1,822 80
Boats, with oars complete	1,885 00
Water casks, 33,300 gallons	3,330 00
Blocks	5,000 00
Sails	17,000 00
Anchors	4,474 00
Labor of every description	55,000 00
Kentlege, 100 tons	4,000 00
Galley	2,000 00

Armament; 32 34-pound cannon	$13,566 00
3,000 32-pound shot, and 900 32-pound grape	7,004 00
30 42-pound carronades	5,550 00
1,275 42-pound shot, and 500 42-pound grape	1,680 00
Gun carriages, and all the apparatus belonging to the armament, including the stores in the gunner's department, the magazine furniture, the forge, bellows, and all the articles belonging to the blacksmith's department, per inventory	13,426 17
	$230,570 97

Copy of a letter from Commodore Bainbridge to the Secretary of the Navy, dated—

AUGUST 25, 1826.

We have had the honor of receiving your letter of the 25th instant, with Mr. Constavlo's, in which he claims an allowance for the masts and spars of the Liberator, as not having been included in the general estimate as to her cost.

On referring to the estimate, it appears that the wood of the masts and spars was included in the item of $65,000; the terms "masts and spars" were inadvertently omitted in the heading of that item: that the iron, as stated by Captain Chauncey, was also included, but it appears that the labor of making the masts and spars was not included in the general estimate for labor; we therefore think that the value of this labor should be allowed in addition to the amount of the general estimate. There is some difficulty in forming a precise estimate as to the cost of this labor, but we think that $3,000 would be a liberal allowance—say three thousand dollars.

Copy of a letter from R. Tillotson, Esq., to James K. Paulding, Esq., dated—

NEW YORK, *August* 22, 1826.

I have examined the papers submitted to me in relation to the purchase of the ship Liberator. I find that the ownership of the property was legally acquired by the arbitrators, who propose to convey, and are of opinion they are entitled to give a good title. The bill of sale to be executed by the arbitrators will of course be accompanied by delivery, and the register surrendered at the custom house by the parties.

Copy of a letter from Commodore Isaac Chauncey to the Secretary of the Navy, dated—

U. S. NAVY YARD, *New York, August* 28, 1826.

In pursuance of your order of the 12th instant I took possession of the frigate called the Liberator, on the 23d inst., purchased by the Navy agent, and this morning she was brought to the Navy yard, where she is now moored.

W.

COPIES AND EXTRACTS RESPECTING THE AFRICAN AGENCY.

Secretary of the Navy to Dr. John W. Peaco, principal agent of the United States for liberated Africans, Washington.

NAVY DEPARTMENT, *December* 28, 1825.

In virtue of the authority vested in him by the act of Congress, approved 3d March, 1819, the President of the United States has appointed you the principal agent of this government "upon the coast of Africa, for receiving the negroes, mulattoes, or persons of color, delivered from on board vessels seized in the prosecution of the slave trade, by the commanders of the United States armed vessels."

Your commission has been already prepared and delivered; and you will receive herewith a printed copy of the laws in relation to the slave trade, for your guidance.

The instructions heretofore given to those who have preceded you in the discharge of this duty, copies of which accompany this, will exhibit the views entertained by the Executive respecting the general concerns of the agency, at the various periods at which those instructions were written, and you will regard them as a guide to yourself on those points in which they have not been executed or altered, and in which the situation of the agency has not been changed since they were given. Time, and the progress made in improvements, since its first establishment, have lessened many of its wants, and in some respects varied its character.

You will perceive that all the agents have been particularly directed not to connect their views, or in any way to interfere with those of the Colonization Society. From the circumstance that they have been simultaneously clothed with powers, both from the government and the society, it has been found difficult rigidly to adhere to this part of their instructions, located at the same place, for mutual defence and accommodation: and the resources of the society sometimes falling short of the benevolent intentions of its supporters, the colonists have frequently been dependent on the supplies furnished by the government, for the use of the liberated Africans, for their own sustenance; and the agents, from motives of prudence and humanity, distributed provisions among the settlers, to preserve them from want and dispersion; but in this the government has probably sustained no loss. In return, the colonists have contributed their labor, in the erection of buildings and other improvements, and to the defence of the establishment from attacks, which, without their aid, might have proved fatal, and would certainly have required larger expenditures of money.

A question has recently been submitted, how far the government is disposed to sanction such a practice in future. The original instructions contemplated and authorized the employment of a certain num-

ber of persons as mechanics, laborers, nurses, washers, &c., as a means of affording some stimulus and encouragement to the colonists in the infancy of the establishment, and the colonists were properly used in that way. How far a continuance of this course will be found necessary, or may be justified, must depend on the condition of the agency, and be determined by the discretion of the agent.

It is probable that Congress, in passing the law, and making appropriations for carrying it into effect, did not anticipate that the expense of the colony would rest upon the government. It was presumed that the society would furnish the means to meet the necessities of its own establishment. Such, however, has not been the case; but it is believed that they have gone to the extent of their funds, and it is probable that they have not now the ability to afford much further succor, should it be necessary. But, as the agency cannot be sustained without the aid of the colonists—as they will be found indispensable auxiliaries in case of attack—and as their services, both in labor and defence, will merit compensation, you are authorized, until further orders, to employ them in both, as you shall find expedient and proper, and to make them a fit allowance of provisions and supplies, as their necessities may require, and the interest of the agency demand; but in doing this, you will use the strictest economy.

Supplies from this country must always be precarious; and you will not fail, on all proper occasions, to impress upon their minds the necessity of their utmost endeavors to support themselves by labor and the products of the soil, and of not being dependent upon your assistance, or any other resources.

For the purpose of protection against attacks from the natives, should any of them manifest a disposition to be hostile, it would be prudent, as a measure of precaution, to teach both the colonists and the liberated Africans the use of small arms. From their remote and insulated situation, they must rely on their own exertions for defence by land. It is to be hoped, however, that the increase of numbers in the settlement, their preparations and constant readiness to repel invasion, together with the occasional presence of a vessel-of-war, will deter the natives from any future attempts to molest them.

The necessity of keeping a military force, in the pay of the government, is not sufficiently apparent to authorize such a step, in the present condition of the colony, or without farther evidence of its utility. It is believed that the residents can be more profitably employed in the cultivation of the soil, and the erection of buildings, and other improvements, required by an augmented population. By organizing themselves into a local militia, for occasional drill, at stated periods, all the purposes of a military force will be obtained, without incurring the expense. It should not be forgotten by them, that, while they are acquiring knowledge in the science of war, they are creating a safeguard for their own protection, as well as for that of the interests of the government. Heretofore the agency and colony have been mutually beneficial in this respect; without the presence of the colonists, the United States would have been subjected to greater charge for military protection, but without the assistance afforded by the government, in maintaining the colonists, they could not have succeeded in their plans. It is very desirable that the recaptured Africans should remain at the agency, so long as to acquire some knowledge of the arts and comforts of civilized life; but should any of them discover their nation and country, and desire to return to their homes, you will not oppose their wishes, but facilitate and promote them. For the large number of Africans now in Georgia, who have been decreed to be restored to liberty, and whom it is intended to remove to the agency, as soon as some preliminary steps are completed, it will be necessary to provide shelter and means of comfort on their arrival. It will be your duty to take immediate measures to prepare for their reception, as they will probably reach the colony by the time you are ready for them. Various buildings have, from time to time, been authorized, but their capacity for the accomodations of these Africans, in addition to those already there, cannot be determined, except by personal observation. A quantity of lumber and other articles has been purchased and shipped on board the Georgiana, and buildings have recently been erected with such materials as were on the spot. The plan fixed upon by the acting agent has no doubt been adopted, as most suitable to the climate. The buildings must be finished in the simplest and cheapest manner.

It is understood to be the intention of the Colonization Society to appoint Mr. Ashmun their principal agent on the coast. He has had the active charge of the agency of the government constantly since the resignation of Dr. Ayres, and occasionally previous to that event. He will be continued as your assistant agent. His salary was, heretofore, fixed at 1,500 dollars, until the further orders of the Department, and will cease upon your arrival. He will be allowed, from that time, at the rate of 1,200 dollars per annum. From his long residence in Africa, his experience in the affairs of the agency, and acquaintance with the manners and habits of the natives, you will derive advantage, and, it is not doubted, that his cordial co-operation will be promptly afforded in all matters tending to promote the interest of the establishment.

You will keep very exact and minute accounts of all expenses of the agency, of every description, and, as far as it is in your power, separate those which arise from the provisions and support given to the *colonists*, from the other expenditures for the agency for recaptured Africans. You will prepare quarterly statements of the condition of the settlement, its general health, and the progress made in the various departments, together with estimates of the wants of the agency, in advance, and care will be taken to supply those wants as early as practicable. Your accounts of expenditures must also be made out quarterly, and forwarded to the Fourth Auditor, for examination and settlement; prudence will dictate to you the necessity of taking duplicate or triplicate receipts for all payments. These you will transmit by the earliest conveyances. Whenever opportunities occur, by circuitous routes, for communicating with the Department, it would be well to avail of them, as direct ones are not frequent, and to send duplicates and even triplicates of all your communications, by different conveyances; and that no opportunity may be lost, you will be careful to have them regularly prepared, to take advantage of any conveyance that may offer. Commence your quarters with January, April, July, and October.

For the disbursements of the agency, and the purchase of supplies from transient traders, you will negotiate drafts upon the Department; and if it will facilitate the operation, or be any accommodation to the holders, you are authorized to make them payable wherever branches of the United States Bank are located. The sum of five thousand dollars, it is presumed, will be sufficient for the ensuing year. Should it be found more for the interest of the government, or impracticable to dispose of drafts on the United States, you are permitted to draw to the amount of five hundred pounds sterling on Messrs. Baring, Brothers & Co., bankers of the United States, London, with whom a credit will be established in your favor. For every bill you will transmit a letter of advice to the Department, stating the amount, rate of exchange, and necessity for drawing; and you will also advise Messrs. Baring, Brothers & Co., of every draft on them.

A claim of long standing has been preferred by K. Macauly, of Sierra Leone, which you will receive

separate instructions to liquidate. In the event of your having to draw on London for the amount which may be due to him, your credit there will be extended to one thousand pounds.

The Navy agent at Norfolk has been directed to pay, upon your requisition, for two boats, with the necessary appendages. The small arms, and other military stores mentioned, will be provided from the Navy yard at Gosport. The hospital stores mentioned in the list furnished by you, you will purchase in Baltimore or Norfolk, on the best possible terms, and draw a requisition upon the agent there for the cost.

Your compensation has been fixed at $1,600 per annum, to commence from the first day of February last, and the further sum of $500, which will be allowed for providing the small stores requisite for your convenience on the passage, and on your arrival.

It is intended, in a short time, to send to the coast of Africa, for a cruise, one of the vessels-of-war, and hereafter to send one at intervals of three or four months, should the situation of the service permit it. In this there will be two objects—to give countenance to the agency, and to repress the slave trade. Your duty in reference to them will be, to acquire and furnish to the commanding officers all useful information in relation to these objects, and to give to our vessels all the assistance, especially in the medical branch of the service, in your power. Your skill may often be useful in advising and aiding the medical officers, in cases of sickness.

You will proceed, as early as practicable, to Norfolk, in the execution of the trust reposed in you by your appointment, and the duties enjoined by these instructions, to take passage on board the ship Georgiana, Capt. Cornick, which vessel has been chartered by the Colonization Society for the purpose of taking a number of emigrants, stores, &c., to Cape Mesurado.

The remoteness of the settlement from this country, the difficulty and tardiness of communications, render it necessary to trust much to the discretion of the agent. Relying with confidence upon the exercise of a sound judgment, a strict attention to economy, and unremitted endeavors for the improvement of those placed under your care, my best wishes for your individual welfare are united to those of a large portion of this nation, who look forward with earnest hope for the success of this beneficent undertaking.

Secretary of the Navy to Jehudi Ashmun, Esq., Cape Mesurado, Africa.

NAVY DEPARTMENT, *December* 31, 1825.

Since my letter to you of 25th January last, I have received your several communications, 15th, 20th and 25th January; 11th and 22d February; 1st and 5th April; 15th June and 22d August, with their respective enclosures, the contents of all which have been duly noted.

Your representations of the situation of the agency and colony afford a pleasing proof of the increasing strength and improvement of the establishment, creditable to your zeal and the industry of those under your charge. The recent appointment of Dr. Peaco, as principal agent of the United States, will supersede that previously conferred on you, and your salary, as such, will cease from the time of his arrival. You will, however, be continued as his assistant agent, and allowed a compensation at the rate of $1,200 per annum.

I have no doubt that you will render Dr. Peaco all the assistance in your power, and that from your long residence in Africa, and acquaintance with the natives, you will be essentially useful to him.

I have directed the Fourth Auditor to furnish a statement of your account, which will accompany this; your salary has been calculated to the present day, and the balance that may be due will be paid to the Rev. Wm. Hawley, as your attorney, or in any other manner you may direct.

Secretary of the Navy to Hon. John Marshall, Chief Justice of Supreme Court, Richmond, Virginia.

NAVY DEPARTMENT, *January* 5, 1826.

I have received your letter of the 1st instant, requesting information concerning the negroes in Georgia, which were on board the Gen. Ramirez. Arrangements were made last summer for carrying into effect the decision of the Supreme Court, by transmitting its mandate to the United States district attorney in Georgia. Some difficulty has arisen in consequence of the Spanish claimant insisting that those decreed to be delivered to him should be determined by lot, instead of by proof on each individual negro. On a reference of the question to the circuit court, there was a division of opinion, and it was determined to submit it to the Supreme Court. This will cause some delay in the delivery of the Africans to the United States; many of them had been brought into Savannah, by those to whom they were hired, and put into the custody of the marshal, and the rest were soon expected.

Dr. Peaco, the agent appointed by the government, will take passage in the vessel chartered by the Colonization Society, which it is supposed will sail soon, and has been instructed to prepare for their reception. Immediately on his arrival, no time will be lost in sending these negroes to the agency, after the Supreme Court shall have decided upon the mode in which they are to be allotted.

Secretary of the Navy to R. W. Habersham, Esq., United States attorney, Savannah, Georgia.

NAVY DEPARTMENT, *January* 3, 1826.

I have received your letter of the 22d ultimo, respecting the proceedings in the case of the negroes of the Ramirez. That portion of it which related to the decision of the Spanish rights, by lot, created surprise, as it was supposed that the question had been clearly settled by the opinion of the Supreme Court. But, in the present situation of the case, all that can be done is to expedite the settlement of the question, and the collection of the negroes, as much as possible; and I have only to request the favor of your active attention to every part of the case, and that I be constantly advised of the progress which you make.

Secretary of the Navy to John Nicholson, Esq., marshal of the district of Louisiana, New Orleans.

NAVY DEPARTMENT, *January* 10, 1826.

I have received your letter of the 7th ultimo, enclosing a copy of one of 23d July, the original of which was also received in due time; but no directions were given at the moment, presuming that the necessary steps would have been taken to have the Africans brought to trial before the answer could have reached you.

I have written to the district attorney of the United States to adopt such measures as may seem proper to bring the subject before the court for decision, and to consult with you upon the course to be pursued. In the meantime, if the Africans can be hired out to humane and discreet persons, giving bond for their appearance when called for, it would be best to do so, to avoid the expense of their maintenance; otherwise they must be provided for, and taken care of, until the decision of the court.

In the event of their being hired, you will submit to the Department an account of such moneys as may be received for their labor, and the cost of their support from the time of seizure; also, a statement of your other proceedings in relation to them.

Secretary of the Navy to J. W. Smith, Esq., United States district attorney, New Orleans.

NAVY DEPARTMENT, *January* 10, 1826.

I am informed by the marshal at New Orleans that a number of Africans have been seized by the revenue officers, in an attempt to introduce them into the United States contrary to law, on board a schooner called the Fell's Point.

I have to request that you will take such measures, in conjunction with the marshal, as may seem necessary and proper, to have the Africans brought to trial before the United States district court, and inform me of its decision as soon as it may be made known.

Nothing can be done, as to their final disposition, until the decree of court determines to whom they are to be delivered. Your early attention to the subject is particularly desirable.

Secretary of the Navy to R. W. Habersham, Esq., United States district attorney, Savannah, Georgia.

NAVY DEPARTMENT, *August* 10, 1826.

It is extremely desirable that something should be done towards removing the Africans of the General Ramirez out of the country, as the expense of their maintenance will soon absorb the amount appropriated by Congress.

It is understood that the Supreme Court determined the mode in which the division was to be made among the claimants, and it can only remain for the circuit court to give the necessary order.

Will you be pleased to inform me what has been done since the last term of the Supreme Court, and whether there is anything absolutely to prevent the delivery of the Africans? If only a part of them could be sent off, it would reduce the expense of their support. I also wish to ascertain what is their present situation, and if an arrangement cannot be made with the Portuguese claimant for the delivery of a portion, or the whole, without an order of court, should it be impracticable to obtain it immediately.

UNITED STATES AGENCY FOR LIBERATED AFRICANS, *Cape Mesurado, October* 14, 1825.

SIR: I have the honor to state that an unexpected event has augmented considerably the number of liberated Africans connected with this agency.

The Spanish schooner Clarida, of about eighty tons, Captain ———, master and supercargo, with an assorted cargo, adapted to the slave traffic of this coast, owned by several merchants of Havana, names unknown, sailed from that port on the 30th of May last, having on board a crew, including officers, of twenty to twenty-five men. Ostensibly she was, in all respects, regularly documented, except the specification in her clearance of the objects of her voyage, which is disguised under the general phraseology of "trade in the productions of the country."

This vessel arrived in Liberia Bay early in July, and about the 20th of that month, having contracted with several native slave dealers of the neighborhood for 140 slaves, to be delivered in three months, commenced landing her cargo, at a town sixteen miles to the northward of this cape, belonging to an intelligent headman, who passed by the name of Yellow Will, in the territory and subject to the jurisdiction of King Bristol.

About the first of September, merchandise, equal in value to the purchase of one hundred slaves, had been sent ashore, and nearly all distributed under the direction of the two chiefs already mentioned. Before the 20th she had lost both her anchors; and to sustain her ground was obliged constantly to stand off and on, under easy sail, at about two leagues from the shore.

The captain had remained at the factory from the first; but falling sick late in September, went on board on the 30th of that month, leaving in his place, to conduct the business of the factory, his mate, Zugaste, assisted by two seamen of the names of Juliana and Baptiste. The captain, who had been some time ashore, preparing light spars to accelerate the return voyage of the schooner, also remained.

On the 5th of October inst., the English merchant hermaphrodite brig Tom Cod, of Bristol, England, Captain Potter, a well known trader on the coast, standing down the bay from Cape Mount, fell in with the Clarida, off Digby.* The schooner, after standing along a short time in the track of the Englishman, hailed and demanded, "where bound?" was answered, "to Mesurado," and continued on about half a mile astern of the Tom Cod, until the latter vessel cast anchor in our roads, at one o'clock on the same day. The Englishman running up his ensign on coming to an anchor, was answered by the hoisting of the Spanish flag on board the Clarida.

The Spaniard lay by until half-past six, P. M., when, approaching the Tom Cod, under cover of the night, (which here commences at that hour) sent her boat with twelve armed men alongside, who instantly boarded, but without offering any violence.

They inquired if they could be furnished with an anchor, and stated that they had had the misfortune to lose their own. On receiving a negative answer, and having accurately examined the force of the brig, they all went on board their own vessel, declaring, at the same time, that "an anchor they must have, and might as well perish, in fighting for it, if they could not obtain it by other means, as to be lost for the want of one."

At seven, the Spaniards came abreast of the brig, at half pistol shot distance, and ordered the officer of the latter to weigh his anchor. With this order, the mate, who, in the absence of Captain Potter ashore, had charge of the vessel, refused to comply; when the Clarida fired two shots in succession into the Tom Cod from a long revolving nine-pounder; and, immediately after, sent eighteen armed men on board of

* Bristol's territory, commencing ten miles, and extending twenty, from Cape Mesurado, is distinguished by this name.

her, who took possession, driving her crew forward, and forcing them to weigh their anchor and make sail. Both vessels then stood out together two leagues, when the anchor of the brig was let go in 18 fathoms. All these operations were directed by the Spaniard, who had taken his station on the quarter deck of the brig. The vessel was also steered by a Spaniard; but worked by their own crew, who acted from compulsion; the pirates being ranged fore and aft, with their arms in their hands.

A communication was now formed, by means of a strong rope bent to the bight of the Englishman's chain cable, and taken on board of the Spaniard. The end of the chain thus secured was then slipped, roused aboard of the Clarida, and bent to her windlass.

The Tom Cod was detained by another anchor, let go for the purpose, till four o'clock on the morning of the sixth; when the pirates, after plundering her cabin and deck of a variety of articles, left her, went aboard of their own vessel, weighed the anchor which they had taken from the brig, and made sail. The brig being thus liberated, weighed her anchor, stood back to Mesurado roads, and made the agent acquainted with the transaction, at four o'clock on the same evening.

Having received the testimony of six individuals, all going to prove the piracy and identify the Clarida, and obtained of Captain Potter the use of his brig to punish the pirate, I dispatched a messenger, on the morning of the 7th, to all the native chiefs to the northward of the Mesurado, to assure them that whatever military movements might be necessary for me to make along the beach, none was to be directed against them, and that it was expected, on their part, that they were to interfere with those movements in no way whatever.

The military of this colony is organized into a corps of independent infantry, consisting of thirty-six young men, and a corps of artillerists, consisting of forty-eight. From the former I made a requisition of twenty-five men to act under Captain James C. Barbour, their commander, and their other officers. Twenty-two artillerists, under Captain F. James, the commanding officer of their corps, at my request, volunteered to attend me on board the Tom Cod.

I then gave Captain Barbour written instructions to proceed the same evening with his force, taking two days' provisions, to the mouth of the St. Paul, five miles, send one division by the Stockton, in boats, and conduct the other along the beach, encamp at the place of rendezvous till daylight on the 8th, and then advance by the beach upon Digby, awaiting further orders, which I was to send him from the brig.

But should the brig, by any accident, fall into the hands of the pirates, or be pursued out to sea, he was to seize upon the factory at Yellow Will's, and make the best of his way back with the prisoners, slaves, and property captured in it. In this young officer's prudence and intrepidity, and in the exact discipline and firmness of his men, I knew I could entirely confide.

With the twenty-two volunteers under Captain James, I went on board the Tom Cod at four o'clock, taking along two carriage guns, and a suitable provision of ammunition belonging to the agency. Of these brave fellows, eight had, on two former occasions, fought at my side for nearly three hours in our bloody conflicts with the natives; and I knew they would all follow wherever it might be necessary for me to lead them. Their number was greater than the crew of the Spaniard by six men, and our weight of metal considerably superior; so that there is little doubt, had we fallen in with the pirate, that she must have been taken. But it was not our lot to engage him.

During the night I had brought the brig to the windward of Digby, upon which we bore down under the American flag at daylight on the morning of the 8th, ready for action. The morning was thick, and it was not until half-past one o'clock that I was able to ascertain the absence of the Clarida, which, I afterwards learned, had not communicated with the shore, nor been seen from Digby, since the robbery of the brig.

Captain Barbour's division having now arrived, I landed with five men through the surf, ordering the brig to lie off and on till she should receive a signal to return to Mesurado; and at a few minutes past nine entered Yellow Will's town, but found the factory abandoned, and the slaves and nearly all the property gone. I soon learned that the whole had been conveyed across Poor river, a broad and deep stream, which has its course parallel with this part of the coast, and at only two miles distant from it.

Messengers were immediately dispatched to King Bristol and Will, conveying my friendly assurances, but insisting on the immediate delivery of the Spaniards, and all the slaves and property belonging to the factory, into my hands. In reply I was *openly* informed that both refused to comply with the demand, but assured, *secretly*, by one of the headmen, that the King was willing to see me seize upon the concern, provided the business could be so managed as to save the appearance of treachery to their customers on the part of himself and his people. I perceived the force and intention of this hint at once, and took my measures accordingly.

After a personal interview with Bristol and Will, I returned, and with twelve men, crossing the Poor river in a small canoe which could carry but four men at a time, soon obtained possession of the Spaniards at a town situated a short distance from that in which the wreck of the factory was concealed.

In the meantime I had perfectly informed myself of the exact state of the concern at that time.

Two of the four Spaniards left ashore were ill. Goods of the value of ninety slaves had been already advanced to the country dealers, on which only fourteen had yet been received at the factory. Goods equal in value to about six hundred dollars only remained in the factory on the morning of the 8th, when, in the confusion caused by the alarm at daylight, nearly the whole had fallen into the hands of the country people, who, under color of assisting the Spaniards to secure their goods, had carried them off. But the fourteen slaves had been preserved.

None of the four Spaniards now in my custody were on board the Clarida at the time of her committing the piracy of the 5th, nor had communicated with her since that act: and there was not even presumptive proof that the character of the vessel was piratical by the laws of Spain previous to the perpetration of the robbery of that date.

The slaves, and all the property remaining, were surrendered into my hands by the mate, Zugaste, at three o'clock on the 9th, and the four Spaniards discharged from custody on the grounds just stated.

A part of the goods, as per the accompanying statement, amounting to forty-three dollars, was restored to the mate for the purpose of subsisting himself and his companions till an opportunity should offer to take passage for some other part of the world.

After several other deductions for expense, as per the same statement, the residue, amounting to $91.50, was equally divided between the captors and the United States, as had been promised to the

people previous to their engaging in the expedition. The net balance remaining to the agency, after all charges and demands paid, is $5.34½ cents, which has been deposited in the public store to be applied to the expenses of the agency for liberated Africans.

The English brig was restored to her own captain, and, after landing the guns and colonists at Monrovia, proceeded on her voyage in the night of the 8th, and myself, with the detachment of infantry, bringing in safety the liberated slaves and merchandise, arrived in town on the 10th. The weather had been exceedingly rainy, and the return of the detachment was delayed a day, in consequence of two of the poor slaves, unable to comprehend the intention of the interposition, which had so suddenly broken their irons and given them their freedom, having absconded under cover of the night, and secreted themselves in the woods. But I have the satisfaction of announcing their speedy recovery; and that the whole number, consisting of one boy of eleven years, eleven youths between fifteen and twenty-two, one man of thirty-eight, and one woman of about twenty years, in all fourteen persons, are now, through the munificence of the United States Government, and the active zeal of the settlers, decently clothed, comfortably fed, and introduced at once to the blessings of liberty, Christianity, affectionate friends, civilized life, and a permanent and peaceful home. I procured an engagement to be entered into between the country authorities, the observance of which may be depended upon, to suffer their people to communicate no more with the Clarida, in the event of her returning; and in no case whatever to furnish her with a single slave. That vessel may indeed escape capture, as I have no craft large enough to take her, but she is thus sure to lose her cargo and voyage.

A quantity of spars belonging to the schooner, found at Will's place, were burnt; and the rice collected at the factory, which could not be conveniently brought off, was distributed among the natives.

Most of the poor beings restored on this occasion to liberty, are natives of countries situated at a distance in the interior of Africa; had been several months in irons when liberated, and are in a very emaciated and miserable state. Their gratitude to their deliverers is unbounded, which they delight to testify by every mode of expression in their power. I have, by a temporary disposition, connected them in couples with the families of the most humane and respectable of the settlers, where they will remain until their health shall have been re-established, and they have acquired some knowledge of our language, and of domestic life among a civilized people. Before these objects shall be accomplished, I hope to have prepared a new range of houses, already considerably advanced, at Thompson's Town, for their reception.

In this little expedition, it gives me great pleasure to state that not a musket was fired, not one untoward accident occurred, not a point of duty was neglected, or otherwise than most handsomely performed by the officers; not an instance of disorderly conduct was observed among the 54 men who composed the force employed on the occasion. The order for respecting the persons and property of the natives was so punctually obeyed, that by their own declaration, and to their utter astonishment, not a fowl nor a plantain was taken, nor even a hut entered, except with consent, by the people, even in Will's town, which was entirely deserted of its inhabitants, and in which the whole body encamped for forty-eight hours.

I have, since my return, already received from the country princes, deputations conveying their thanks for these substantial proofs of my friendly disposition towards themselves, even where it became necessary to carry the arms of the settlement into the heart of their country. The policy which, in the face of some opposition, and much misrepresentation from such as were incapable of understanding it, I have for four years most scrupulously observed, in all my intercourse with the people of this country, has been that of justice, sincerity, mildness, and firmness; and its success has on this occasion appeared to be complete. I never menaced them with an empty or unnecessary threat; never failed to carry into full effect an intention once announced, and never forfeited my word. While a similar policy is persisted in on the part of this establishment, I do not hesitate to assert that no reasonable demand made by it on the native authorities will be refused.

In these remarks, I have in view the introduction of a measure, on the part of the United States, for which, I believe, the time has arrived, of which the object shall be, entirely to abolish the slave trade, with the concurrence of the native authorities, along a given line of coast contiguous to this agency. But the particulars of this plan it is proper to defer to a distinct communication. The object, if it can but obtain the sanction of the United States Government, is practicable; and all the means necessary to effect it are on the spot.

Nor can I, in closing this communication, suppress the mortifying fact that, whenever the American flag is displayed at this agency, it literally waves over, and, I can add, *affords protection* to a slave factory, established in the immediate neighborhood. In the short expedition just terminated, it was with emotions of indignation, which it was impossible to repress and idle to indulge, that I was obliged to conduct the little force under my command past two slave factories, of which the most distant is only five miles from the Cape. We heard the clanking of fetters as we marched along, and were annoyed with the groans of human beings who had lost their freedom without their fault; but, as their tyrants, who regarded us with folded arms, and a leer of barbarous exultation, had not committed piracy, according to the Spanish definition of the crime, it was not in my power to interfere for the relief of the one or the punishment of the other.

Respectfully, sir, I have the honor to remain, your obedient and humble servant,

J. ASHMUN.

To the Hon. S. L. SOUTHARD, *Secretary of the U. S. Navy, Washington.*

U. S. AGENCY FOR LIBERATED AFRICANS, *Cape Mesurado, October* 25, 1826.

SIR: I had the honor, in my last, of the 14th instant, to detail the circumstances connected with the capture of the slave factory belonging to the piratical schooner Clarida, at Digby, and the liberation of fourteen miserable slaves found in that iniquitous establishment. It is with pleasure that I have to subjoin to the communication of that event that of the liberation and safe arrival at this agency of six more unfortunate persons of the same description, all men, and, except a single child of nine years, between the ages of eighteen and thirty years, who appear to have belonged to the same concern.

It will probably be in the recollection of the honorable Secretary that the Clarida, after perpetrating the robbery of the 5th inst., immediately disappeared from this part of the coast. She has not since been heard from, having abandoned her factory, and three men left on shore at Digby, as stated in my letter of the 14th. These persons, I had, in the exercise of my duty, entirely deprived of the power of effecting

any further purchases in the line of their inhuman traffic, but did not consider myself authorized to take them into custody. They have accordingly since remained at Will's place, under the pretext of awaiting an opportunity to return to Spanish America.

But, on the 20th, information was brought me of the delivery of several slaves at the factory, by dealers living at a distance in the interior. On strict inquiry, I soon ascertained the fact to be as reported, with the additional circumstance that a collusion was carrying on between Yellow Will and the Spanish factor, having for its object the sale of the slaves in the name and right of the former, who was to share the proceeds, at a French factory on the St. Paul.* To the practice of this deception the parties had been induced in the hope of evading an engagement by which I had previously obliged them to be in no way assisting in the collecting and transportation out of the country of any of the slaves bargained for, or that might be bargained for, by the Clarida. No time was, accordingly, lost in concerting the means of preventing the probable effects of this unprincipled combination, and rescue its intended victims from the power of their mercenary oppressors.

On the 25th instant I ordered Captain Barbour to make a requisition for twenty-five men, or accept a voluntary tender of that number from his corps of infantry. Then he was, at sunset of the same day, to march under arms to the mouth of the St. Paul, where he was to arrive at eight o'clock the same evening and expect further orders. The object of the expedition was not divulged.

At two o'clock P. M., taking a boat's crew of natives, with a guard of three men only, in a plain dress, I proceeded by way of the Stockton to the St. Paul, and, after calling at the town in which the French factory is established, and familiarly paying my respects, as I had often done before, to the proprietress of the place, with a view to allay any excitement which might grow out of the subsequent movements, I dropped down to the place of rendezvous at the mouth of the river, at half-past six. Captain Barbour and his followers arrived punctually at eight. At ten o'clock, having fresh instructions, he passed the river and conducted his men without halting to the place of destination, where he arrived at two on the morning of the 26th, and had posted the sentries on all the avenues communicating with the town before the inhabitants were apprised of their situation. The slaves, seven in number, had been conveyed away to a place of concealment two hours before, in consequence of information of our movement having reached the place at that time, which, I regret to add, had been communicated to a native through the officiousness of some misguided member of the colony.

In consequence of this accident, and of the various obstacles to the recovery of the slaves which it gave the ingenuity of the interested native chief occasion to throw in the way of the spirited young officer who conducted the party, one of the captives escaped into the bush from the hands of his unknown liberators and friends, and the surrender of the other six did not take place till ten o'clock on the same morning. They were at the time cruelly pinioned, and several of them enduring, from the inflamed and swollen limbs, the severest torture. The child was in so emaciated a state as to make it necessary for one of his most robust fellow sufferers to carry him on his shoulders.

The whole party returning, arrived at Monrovia in safety, after a most fatiguing expedition of twenty-five hours, in which all except myself and a guard of seven men only, including the boatmen, had, without sleep, performed a forced march of thirty-five miles through a pathless country, of which one-half was traversed in the depth of night and the other under the full power of an African sun.

It gives me pleasure to add that such a cheerful zeal in the cause of African emancipation animates this little corps that not a murmur of impatience was, during the whole time, heard in the ranks. So enured are the men to the climate of their adopted country, that not an individual has suffered in his health from the extreme exposure and fatigue of the expedition; and in such handsome military style was the affair conducted, that the very inhabitants of the country, through which the route of the party lay, were scarcely apprised of the movement before its termination and the return of the people to their homes.

Respectfully, sir, I have the honor to be, your most obedient and humble servant,

J. ASHMUN.

The Hon. SAMUEL L. SOUTHARD, *Secretary of the U. S. Navy.*

AGENCY, *October* 28, 1825.

SIR: Having this morning renewed an agreement with the principal native slave dealers, among whom the cargo of the "Clarida" has been distributed on credit, of which the object is—*to prevent the sale and transportation out of the country of the slaves due to that concern*, I hasten to communicate the particulars, in the hope that the part I have taken may be considered as within the spirit of the instructions under which I have the honor to act.

I am far from regarding myself as authorized to interfere, *in ordinary cases*, in that branch of the naval service of the United States, which is directed by express acts of Congress and under specific instructions from the supreme Executive against the slave trade. From such interference I have carefully abstained, even when it has been in my power to operate against the traffic as carried on by Americans, and with every prospect of success.

I justify the recent exertion of the military force under my control in the affair of the "Clarida," on the broad principles of natural law, which confer, even on private individuals, the right of self-defence against the violence of the outlaws and enemies of the human race. In the exercise of this right, which, in the actual situation of the settlement, I cannot help considering rather in the light of a serious duty, twenty slaves, without legal owners, have been thrown in my way, together with the right of controlling the purchase of from forty to eighty more: the number actually bargained and paid for by the piratical schooner being one hundred.

I regard myself as undoubtedly possessed of the *right* to control these purchases, but, without resorting to expedients, my actual power to do so is extremely limited; for the dealers in the interior, hearing of the destruction of the factory, and under a strong temptation, after converting the goods received into slaves, according to the contract, to send them singly to Cape Mount, Gallinas, and other slaving stations, and there dispose of them for their own benefit.

The coast dealers, over whom I can exercise some control, are under an equal temptation to violate their engagements just entered into with myself, to deliver the slaves to the agent at this place; and by collusion with inland dealers, have it in their power so effectually to cover any indirect practices in the

* Distant 15 miles from Cape Mesurado.

matter as to prevent their detection. And this, in my opinion, they are certain to do, if the motives employed to assure their honesty are addressed only to their fears.

Hence, I am reduced to the alternative either to relinquish the hope of rescuing from perpetual bondage the whole of the eighty slaves purchased, or to be purchased, with the cargo of the schooner, and who are not yet delivered, or to engage to pay, on their safe arrival and surrender to the United States, at this agency, a small reward.

The latter is the course pursued. I have fixed the reward at ten dollars each, the lowest sum which, after paying for the safe keeping and conveyance of the slaves to the cape, will offer an inducement sufficient to counteract the temptation to send them off to a market where their full value may be realized the second time.

Under all the circumstances of this case, I beg leave to state that, in stipulating the payment of this small sum, I have acted in the confidence that the object is virtually embraced in the appropriations made under the act of Congress of "March 3d, 1818, in addition to the acts prohibiting the slave trade." The sums necessary to be advanced for these ransoms I shall, however, pay, in the first instance, out of my own pocket, and present an account of the same, which I trust will be refunded by the Government of the United States.

I have also to submit whether the bounty allowed by the fourth section of the same act, to such as aid in the liberation of the slaves unlawfully detained in bondage, of fifty dollars for every negro, mulatto, &c., who shall be delivered to the marshal or agent duly appointed to receive them, is not, in *substantial justice*, and may not be considered as *legally* due to the captors of the twenty individuals whose liberation is the subject of this communication. In my opinion, effects much more important than the value of the money itself might follow from the payment of this bounty, either to the managers of the American Colonization Society, or to the militia employed in the rescue of the slaves.

Respectfully, sir, I have the honor to be, your obedient, humble servant,

J. ASHMUN.

The Hon. Mr. SOUTHARD, *Secretary United States Navy.*

U. S. AGENCY FOR RECAPTURED AFRICANS, *Cape Mesurado, December* 8, 1825.

SIR: I have the honor to state that another unforeseen occurrence has placed at my disposal the large additional number of *ninety-nine* Africans, whom I caused to be released from their irons this morning at eight o'clock, and whom I judge to be proper objects of the beneficent provisions made by the Government of the United States for persons liberated from illegal bondage, under the laws for suppressing the slave trade.

On the fourth of November four of the men liberated at Digby on the ninth of the preceding month, impelled by that innate love of country which none of the vicissitudes of life can extinguish in the human bosom, deserted from the establishment, passed the Mesurado river and disappeared in the boundless woody region which extends to an unknown distance in the interior.

Knowing that, if not speedily brought back, they must inevitably terminate their desperate enterprise in hopeless slavery, I had recourse, without delay, to every means for their recovery which promised to succeed, but to no purpose. Intelligence of their desertion, with the offer of reward for their restoration, was immediately conveyed to the different tribes in friendly correspondence with the settlement, but no information was had of the fugitives before the fifth inst., when I received, from a source entitled to credit, intelligence that three of their number had been reduced to slavery and loaded with chains at the French slave factory, on the St. Paul, five miles (direct distance) from the cape.

On the morning of the 6th, I dispatched three men to demand the deserters in the name of the United States; and to inquire by what means they had fallen into the hands of the factors.

The demand was evasively replied to; but, in answer to the inquiry, it was stated that two Frenchmen, agents resident at the factory, had bought them. I then instructed the messengers charged with the order, to repeat it; they did so, but with no other effect than to draw from the two factors a written declaration of their purpose to detain the people indefinitely.

Finding the recovery of the men by mere rational methods too doubtful to justify any further delay, which, as a French schooner was lying near, ready to receive slaves, might subject them to be transported in a very few hours forever beyond the reach of the Government of the United States; and obliged to regard the ground taken by the factory as that of virtual defiance, which justified, from a growing concern founded in avarice and iniquity, the apprehension of eventual consequences fatal to the benevolent objects of this agency, I had no hesitation in resolving upon the unpleasant duty of forcibly subverting the establishment altogether.

Captain James C. Barbour, of the infantry, with eighteen men, was accordingly charged last night, at 9 o'clock, with the accomplishment of this service. Two boats were provided, in which this little force embarked at two o'clock this morning.

Ascending the Stockton, they arrived on the St. Paul at daybreak; twenty minutes afterwards the men were landed at the factory. In ten minutes the slaves, to the number of *forty-three* men, *thirteen* women, and *forty-three* children of both sexes, (in all ninety-nine) were in the custody of the officer, and in full march along the beach for Monrovia. The boats received the invalids and feeblest of the children, and stood along shore, at musket shot distance, abreast of the party advancing by land. The whole arrived safely at Monrovia at eight o'clock the same morning, just six hours after the setting out of the party, and *eleven* only after the first intimation given to the officer who so handsomely conducted it that its services would be required.

Of these people, ninety-seven are in perfect health, two only in a feeble condition, caused apparently by rigorous treatment.

Respectfully, sir, I have the honor to be, your obedient servant,

J. ASHMUN.

P. S.—In the number of persons rescued are included the three deserters.

The Hon. SAMUEL L. SOUTHARD, *Secretary of the United States Navy, Washington City, U. S.*

DECEMBER 11, 1825.

SIR: Subjoined to my letter of the evening of the 8th instant, I beg leave to communicate certain facts relative to the French slave trade, as carried on at the present time from this coast, and of which

without a vigorous influence exerted by other governments, no hope of a speedy termination can be rationally entertained. My situation every month throws in my way some intelligent subjects of France, of whom some are interested in the continuance, and others actually engaged in the suppression of the slave trade; and, I regret to say, that both concur in the opinion that the true point of policy in their government, *at present*, requires a regulated continuance of the trade, and which the ministers of government are too wise not to perceive; that the demand for the products of tropical countries in France is much greater than can be supplied from their inconsiderable colonies, either in America or the East Indies; that, without foreign colonies, the nation can never have a productive foreign commerce, nor come to realize the various objects of advantage growing out of it.

The province of Cayenne offers a boundless extent of fertile territory, but thinly peopled, and, in consequence, uncultivated and unproductive. According to the ancient prejudices, laborers can only be obtained, to subdue and bring out the resources of this country, from the coast of Africa. But how to evade the stipulations of the solemn treaties of the government, so as to save appearances, and at the same time subject the trade in which those laborers are to be procured to that perfect surveillance for which the police and revenue system of France, beyond those of almost any other nation, are distinguished—to combine these conflicting objects in one system, is the result of some political inquiry, and is thus attempted. All outfits to the coast for this trade are understood by the merchants of France to be prohibited *by particular injunction*, and absolutely impossible to be made from any other ports of the empire, except St. Malois and Nantz; vessels cannot obtain clearances for these voyages elsewhere. But no difficulty, it is equally understood, is ever to be encountered at the custom houses of these ports, *particularly* of the latter, where it is reciprocally understood that clearances given to vessels to proceed to Africa for general cargoes, and thence to the colonies, authorize such vessels to traffic for, and transport to the latter, cargoes of slaves, and nothing else. The colonial authorities of Gaudaloupe, Martinique, Cayenne, &c., observe a perfect concert of action with the officers of the two ports in France already named; and, by admitting slave cargoes to entry, duty free, in effect pay the merchants a bounty on such cargoes.

The extent of the trade is, by this arrangement, better known in France itself, and prevented from being even suspected by the other governments of Europe, except as ascertained by its operations, observed on the coast of Africa and in America, and comes to be as exactly controlled and regulated by the ministry as any other branch of commerce carried on from French ports But, still further to save appearances, and guard the trade against interruption by foreign powers, France makes the coast of Africa one of her important naval stations. From four to eight of her vessels-of-war, mostly corvettes and brigs, rendezvous every year at Goré, with instructions to their commanders to pursue and suppress the slave trade. The interference of any foreign power in the service somewhat ostentatiously assigned to this naval force, it is but too well known that France utterly declines in any degree to consent to or tolerate. It is refused, not only as impolitic, but as unnecessary. It might, indeed, be both, were not the instructions under which her commanders act, in all cases, carefully made out in exact accommodation to other parts of the artificial system of which it is certain that this display of force forms a part. No cruiser is authorized even to subject to detention a slaver found on the coast, in whatever stage of his voyage, unless slaves are actually found on board the latter vessel at the time of her examination.

M. L'Achelier, the intelligent commandant of a detachment of the Goré station, assured me, in January, 1825, that between Cazamanca and Cape Palomas, in the short period of six weeks, he had visited forty-five vessels, of whose bad character the testimonies seen on board of them were conclusive; of these forty-five, twenty-two were Frenchmen, from Nantz and the colonies, of which his instructions clearly forbade the detention of more than five.

In April ensuing, I received the information from a perfectly authentic source that, of the five vessels sent under these circumstances for adjudication before the naval tribunal at Goré, only *one* was condemned; and M. L'Achelier amerced in damages, for the detention of the others, to three times the amount of his property.

The factors Vieux Pierre & Millot, whose establishment on the St. Paul was broken up on the 8th, have announced their intention to appeal to the government for redress, resting their claims on the principle which it has set up, never to suffer the inteference of a foreign power, either in the measures which she has thought proper to take for suppressing the trade, or in the punishment of her subjects for any supposed infraction of the municipal and commercial laws of France.

But, as I have assumed in justification of my procedure neither of these grounds, but the necessity of rescuing immediately from slavery, for the prevention of a greater and absolutely remediless injury, the subjects and protégées of the United States unlawfully sold and detained in bondage, and of abating a nuisance which foreigners, without the color of authority, had obtruded upon our own territory, (for the lands actually purchased of the nation comprehend the whole left bank of the St. Paul, on which the factory stood) I am confident that such a claim will never be prosecuted to my own government; or, if so urged, must be forthwith discontinued as soon as it merits an investigation.

Any testimony necessary to elucidate or establish the facts contained in my official report of the transaction, in my power to obtain, shall be cheerfully furnished, on a requisition from his excellency the President of the United States, or the honorable Secretary of the Navy.

Respectfully, sir, I have the honor to remain, your obedient servant,

J. ASHMUN.

The Hon. S. L. SOUTHARD, *Secretary of the U. S. Navy.*

U. S. AGENCY FOR RECAPTURED AFRICANS, *Cape Mesurado, January* 22, 1826.

As an integral part of my dispatches by this conveyance, I have the honor to refer you to *my letter dated October* 14, detailing the circumstances connected with the punishment of the Spanish piratical schooner Clarida, *to the plan of the coast* accompanying it, as illustrative of the transaction; and to the *statement of expenses incurred and property seized* in the same expedition. It will be seen from these papers that fourteen miserable slaves fell into my hands on that occasion, who have been provided for agreeably to the instructions under which I have the honor to act.

I have also the honor to refer, as a part of my present communication, to *my letter of the* 27*th of October*, also enclosed, *and a note explanatory, of the* 28*th*, from which you will learn that an additiona

number of six men, making in all, to that date, *twenty persons*, were cast for protection upon the United States establishment at this place, and have accordingly been provided for at the public expense.

I have also *very particularly* to solicit your attention to *my letter of December* 8, 1825, and *the private note of the* 11*th of the same month*, from which it will be perceived that still another addition of *ninety-nine* persons has been made to the number of liberated Africans connected with the agency.

The papers referred to are too minute, I trust, to require, on the subject to which they relate, any additional explanations. The whole number of persons placed at the disposal of the agency by these three several accessions, is 116, (to say one hundred and sixteen) making, with the fourteen previously in charge, one hundred and thirty. Many of the children are, by a temporary disposition, situated in the most respectable families of the colony, under indentures securing to them instruction at the common schools of the place, and every other advantage of which their age and circumstances render them capable. I have engaged a prudent young man to attend constantly on the remainder, at their daily labors, and bring the economy of the little community into which they are formed, into a gradual assimilation to the ideas of civilized life. They have nearly completed a village of dwellings, built in your own style, on a pleasant elevation of Cape Mesurado, about one-third of a mile distant from Thompson Town. Every individual of their number is in perfect health, and as an assemblage of rude and ignorant people, gathered out of nearly twenty different tribes of the country, pursue their labors with a good degree of spirit, union, and success.

For some months to come, it must remain necessary to afford them their entire support, or expose them to the certain danger of being seduced, or kidnapped, by the unprincipled slave dealers of the country, who wait their opportunity to bring them the second time under the chain, and dispose of them at the factories of Gallinas, or Trade Town.

The expense of clothing, providing with the first conveniences of civilized life, furnishing with tools and implements of industry, after our modes, and subsisting so considerable a number of people, thrown upon my hands without previous preparation for their reception, has already proved considerable, and has reduced me to the necessity of making purchases, and advances out of my own pocket, since the 10th day of October, to the amount of the several sums of $366.87\frac{1}{2}$, $260.35\frac{1}{2}$, $330.12, $462.42, $115.03*, $65.62†, $1,187.75. Total, $2,788.17.

The accounts of all these purchases are forwarded, with advices of the drafts given on the Navy Department in payment.

A few of these stores have been purchased at disadvantage; but most of them on very advantageous terms.

These purchases have given me the means of securing, in advance, rice necessary for several months' consumption, a precaution necessary to be taken early every dry season, as the country furnishes very little of that grain, and that little at very enhanced prices after the 1st of February, until the return of the ensuing harvest in September.

The lands of Cape Mesurado being wholly appropriated to settlers, and the former protégée of the government, who have been placed on the footing with settlers, it will be necessary, finally, to fix a large proportion of the last accessions on farms provided in the new settlements of the colony. But at present it would be the height of imprudence to suffer them to want the constant guardianship of their superintendents. Several have alredy been driven by their fears to attempt, and a few have, it is thought, effected their escape. No means in my power to employ for their recovery have been neglected, as their separation from the asylum is sure to be followed by their apprehension and sale, as soon as their lurking places shall be discovered by the natives of the country.

Vieux Pierre and Millot, the factors whose establishment on the St. Paul has been destroyed, were soon after reduced to extreme distress by the natives, who, believing those unfortunate men without the protection of the settlement, assembled in force, evidently with a design to rob them of the small remainder of their property. In this distress, they appealed to my humanity for protection. I consented to afford it, on condition of their abandoning their voyage, and instead of proceeding to the colonies, returning directly to France, as soon as the necessary preparations could be made for the voyage. To this condition they assented. I immediately sent a guard to bring them and their merchandise to Monrovia, where I have since furnished them and their five seamen with whatever necessaries and comforts the laws of hospitality require.

The schooner attached to the factory, after waiting in the offing several days, and receiving intelligence of the accident which had befallen the factory, made sail for France, without communicating with the factors ashore, otherwise than by billets, leaving seven Frenchmen on my hands. Three of these were shipped the first of January, from Cape Mount, on board of a French vessel bound to Martinique. Millot obtained a passage to a distant part of the coast, with a view to some profitable employment; and Captain Vieux Pierre, with a white servant, takes passage, in the vessel which conveys these dispatches, for the United States, whence he intends to return to his family in France. An industrious young man belonging to the concern has found employment in this colony.

J. ASHMUN.

The Hon. S. L. SOUTHARD, *Secretary U. S. Navy, Washington City.*

MONROVIA, *April* 19, 1826.

SIR: The extraordinary labors consequent on the new arrangements required by the arrival of Dr. Peaco, the United States agent for recaptured Africans, and who was the bearer of your favor of the 31st December, 1825, together with the expedition against Trade Town, from which I have just returned with the troops of the colony in safety, render it impossible to prepare the accounts of the agency, for the first quarter of the year, in time to forward them by the "Indian Chief." I hope to send them by the very next conveyance.

In my accounts from the Treasury Department, I perceive myself charged with a requisition for $220, in favor of Thomes Tyson, for which I shall probably be able to show myself entitled to a credit of the same amount.

I have the honor to state that I delivered over, to the hands of Dr. Peaco, on the 17th instant, *fifty-three Africans*, taken from the piratical establishment at Trade Town, on the 13th and 14th, making the

* By way of Boston, under another enclosure. † Forwarded through Rev. Mr. Hawley.

whole number delivered over to the United States agency, since the 10th of October, 1825, one hundred and seventy-two; and which, with the aid of Heaven, and two Colombian armed vessels, the forces of the colony under my direction razed to the ground on the 15th instant.

Three vessels attached to the factories of Trade Town have fallen into the hands of French and Colombian cruisers on this station; and the catastrophe of that mart of human flesh, now the last on the whole windward coast of western Africa, is confidently believed to have annihilated, finally, the slave trade within five hundred miles of this settlement.

Dr. Woodside, the bearer of these dispatches to the United States, and who returns in consequence of a severe wound received in the late expedition, for which he had generously volunteered his services, has also an abstract of the journal, detailing all the circumstances of the affair; and will be able to communicate, verbally or otherwise, all the information relating to it that may be called for.

Captain John Chase, commander of the Colombian armed schooner Jacinta, well known in the United States, of which he is a native, as a gentleman of the most honorable principles, and consummate bravery, has rendered us services in this affair, without which success could not have been obtained. His vessel, his marines, arms, ammunition, and personal exertions were, in the entire spirit of the late convention between the Colombian and United States Governments for co-operating against the slave trade, wholly at our devotion; and as long as the heavy curse of this traffic shall, as the fruit of the late expedition, cease to be felt in western Africa, will the services of this gallant commander and his spirited crew be entitled to the gratitude and applause of the world.

The character of nearly all the late transactions of Europeans at Trade Town having been notoriously piratical, it will become a duty of the first obligation to direct against it, and against every attempt to restore it, the little floating force preparing in the colony to be placed under the command of Lieutenant McKean. The arrival of that officer on the coast is expected with particular anxiety.

Associated with Captain Chase, in the affair of Trade Town, is to be mentioned with a particular sense of obligation for his active co-operation, Captain Cottrell, of the Colombian brig-of-war El Vencedor, who covered our landing under a dangerous fire from the piratical Europeans ashore, and brought the guns of his vessels to bear upon the enemy's lines in our rear, during the 36 hours we were hotly engaged with him, after obtaining possession of the town. He supplied our little force ashore with 3,000 rounds of musket ammunition; placed under my command his captain of marines, with twenty men, and expended 130 rounds of cannon shot upon the enemy.

Dr. Peaco's health was thought to be not sufficiently braced, by previous exposure in an African climate, to admit of his accompanying the expedition; and it is feared the few hours which remain before the sailing of the Indian Chief, will hardly allow of his writing in detail by this conveyance. This circumstance will apologize for the otherwise unnecessary length and minuteness of this letter, in the conclusion of which I beg only to add, that the first class of Africans are nearly off the hands of the government, several having finished their terms of apprenticeship, and being now established in business for themselves.

About one hundred and sixty of the newly liberated remain, of whom fifty are so situated, in respectable families, as to be a slight charge on the public fund.

The passengers by the Indian Chief, one hundred and fifty-four in number, are *all* on the sick list, but the character of the disease under which they suffer is favorable beyond any former example, and gives hope of its speedy termination.

Respectfully, &c., J. ASHMUN.

The Hon. S. L. SOUTHARD, *Secretary United States Navy.*

BALTIMORE, *July* 31, 1826.

The visit of Mr. Ashmun to Trade Town was in consequence of the inhabitants of that place having seduced away from the colony about thirty free blacks belonging to it, and selling them to the Spanish and French slave traders. Mr. Ashmun had frequently demanded those blacks from King West, threatening him with an armed force if he did not give them up, which threat he altogether disregarded, and continued his depredations on the inhabitants of the colony.

On my arrival at Mesurado, Mr. Ashmun communicated the above intelligence to me, and requested that I would accompany him in the expedition to Trade Town, which I consented to, and took Mr. Ashmun, with about thirty troops, on board, and proceeded for that place, which we reached the day following, and found at anchor off the town the Colombian brig El Vencedor, having with her a Spanish brig captured the day before. I communicated the object of our visit to the commander of that vessel, who cheerfully agreed to accompany us.

As we approached the shore, the Spanish and French slaves, occupying three factories, commenced firing on our boats, notwithstanding the boat in which Mr. Ashmun was had the colonial flag hoisted. We however succeeded in landing and taking possession of the factories. Mr. Ashmun addressed a note to King West, stating that the object of his visit was to reclaim the people of the colony, and if he gave them up peaceably, all other hostilities would cease, threatening him with the destruction of the town if he did not immediately comply with the demand. King West acknowledged that the blacks had been seduced away, and sold to the Spaniards, but pleaded inability to get them within two or three days, as they, with four or five hundred others, had been released on our approach to the shore, and had run into the woods. He stated, through his messenger to Mr. Ashmun, that he wished to be on the most friendly terms with the colony, and that he would have all the slaves belonging to the Spaniards, as well as those of the colony, delivered up to us.

On the first day he sent in fifteen or twenty, on the second as many more, and on the third day, a quantity making altogether fifty-two. But it was evident from his tardy movements, and the miserable appearance of the blacks, that his object was to divert our attention until he could rally his forces.

On the third day, as was anticipated, they commenced hostilities with a number not less than two or three thousand men, *well armed*, and it was not until the vessels were brought near the shore, *and several broadsides fired on them*, that we succeeded in driving them into the woods. We then put fire to the town, which contained about one hundred and fifty houses, and destroyed it. The factories were occupied by us two days after, during which time we had some little skirmishing.

Finding no prospect of getting the slaves, we re-embarked our troops, putting fire to the factories, which contained a large quantity of powder, arms, munitions of war, and sundry articles of merchandise belonging to the Spaniards. Mr. Ashmun conducted himself strictly neutral towards the Spaniards,

notwithstanding it was pretty well ascertained that some of them had committed acts of piracy in the waters of Mesurado, a short time previous. The fifty-two blacks were landed at the colony, and before I left the Cape, Mr. Ashmun informed me that King West had sent to him to treat for peace.

JOHN CHASE.

NAVY DEPARTMENT, *Washington, August* 10, 1826.

SIR: I have to acknowledge the receipt of communications from Mr. Ashmun, of 14th, 27th and 28th October; 8th and 11th December; 5th and 22d January, and 19th April, together with their several enclosures, which shall be noticed in the order of their dates. The accounts have been deposited with the Fourth Auditor, to whom they should be transmitted for examination and settlement.

The first letter, of 14th October, relates to the transactions of the Spanish schooner Clarida; the depredations committed by her on the British brig Tom Cod; and the means pursued to punish the conduct of the crew of the Spanish vessel, which resulted in the release of fourteen slaves, at Poor river. The next, dated 17th October, is a continuation of transactions respecting the Clarida, and a narrative of an expedition to the St. Paul, which terminated in the release of six more slaves. The third letter, dated 28th October, assigns the reason for, and justification of his conduct, and proposes a method for redeeming such persons as may be held in bondage in the neighborhood of the settlement. The fourth letter, 8th December, announces an addition of ninety-nine persons to the agency, released in an expedition undertaken to recover four of those previously taken, who had fled from the protection of the agency. The fifth and next, is a private letter, dated 11th December, giving a view of the manner in which the trade is now carried on by the French and others, and the means resorted to, to save appearances and an open evasion or violation of their treaties. The sixth letter is dated 5th January, and contains a review of his past conduct and transactions at the agency. The next, 22d January, is a continuation of occurrences at the agency, the measures adopted to provide for the addition to the numbers occasioned by the excursions to the neighboring factories, and refers to a part of a communication to the Colonization Society, for the reasons for Mr. Ashmun's wishing to return to the United States, which he intends to accomplish, should the situation of affairs permit. The last letter received is dated 19th April, by the Indian Chief, and informs of his return from an expedition against Trade Town, and your arrival. The cause and object of the expedition not being stated in the letter, it is presumed that one must have been written of an earlier date, which has not been received. In the absence of this explanation, I have sought light from other sources, and have been permitted by the Colonization Society to read some of his letters to it; and have also received a letter from Captain Chase, which furnished the probable causes and objects of the expedition. Upon them, it is not the intention now to express a decided opinion.

Should it appear hereafter that some of the recaptured Africans had been taken to Trade Town, confined, and were about to be sold again into slavery, and that Mr. Ashmun went no farther than was found necessary to rescue them, his conduct, as the agent of the government, will not be condemned. So far as he has acted for the Colonization Society, in recapturing the colonists, he will look to that society, both to explain his conduct, and be justified or condemned by it.

The same remark is applicable to the previous expeditions. So far as he acted as agent of the society, the government does not mean to intefere with his responsibility to it. But the President thinks it necessary to disapprove of his conduct in those expeditions, so far as it has any connection with the government. As agent of the United States, for a specified object, he had no justifiable cause to break up establishments supposed to belong to the owners of the Clarida, or any other persons, and to take the people from there to the agency, to be maintained at the public expense. Our government, in establishing the agency, had one object only in view—to provide a place to which Africans, illegally brought into the United States, or lawfully captured by our cruisers upon the ocean, might be carried and taken care of, until they could, with propriety, be restored to their own country, tribe, or nation. It has not intended to authorize, nor has it authorized, a forcible and warlike attack upon the citizens or subjects of any nation with a view to suppress the slave trade, or to accomplish any other object, no matter how desirable, to advance the cause of humanity. You will therefore furnish to Mr. Ashmun a copy of this letter, that he may see the light in which his conduct is viewed by the government.

He has made a claim for the bounty allowed by the 3d and 4th sections of the act of 3d March, 1819; but it cannot be granted. The case of Africans liberated from their captors, on the shores of Africa, does not come within the provisions of that act. It is understood, from his several letters, that about 170 Africans were liberated in his various expeditions, and brought to the agency, and are now on expense there; the accounts for their support to this time will perhaps be paid; but they must cease to be a charge to the government, and restored to their tribes as speedily as possible, or supported in some other mode. The fund devoted to this object is now much reduced, and, unless increased by Congress, will not bear a continuance of the burden. Should captures be made during the year, recourse must be had to another appropriation to enable the Department to comply with the law.

For the same reason, the reward of $10, offered by him for each negro delivered, is not approved; it was not prudent, nor authorized by his instructions from the government.

In censuring the course of Mr. Ashmun, it is not intended to convey an idea that he was actuated by improper motives, or to regret the effect which seems to have been produced upon the slave trade itself. His motives were probably of the purest kind, and his zeal excited and confirmed by his humanity. Everything which represses that trade appeals strongly to our best feelings for excuse and approbation. All that is intended by the Executive, is, to disapprove the act in him, as its special agent for other objects.

In other respects, the conduct and policy of Mr. Ashmun seem to merit commendation; and his intercourse with the surrounding tribes to be dicta ed by sound discretion, and calculated to insure permanent success and respect. By conveying these opinions through you, you will be informed of the views of the Department as to the proper conduct of your agency, and govern yourself accordingly.

Two additional considerations seem proper to be repeated to you: to preserve the utmost economy, and to keep the business and accounts of the society, and the agency, as much separated as possible. These duties have become even more important than they were when your instructions were prepared, and when they were pressed upon you.

It was the intention of the Department to have sent, before this, the recaptured Africans, now in Georgia, to the agency; but questions are still pending undecided in the court, respecting a part of them,

which render it still impossible to send any of the number. They will be dispatched without the least unnecessary delay, when these questions are decided.

I believe I informed you that the Spark would be sent to the agency, as soon as she returned from the West Indies. On her return, however, she was found so much decayed, that it was necessary to sell her. Since that time, no vessel fit for the purpose has returned: I am daily looking for the arrival of one.

I am, respectfully, &c.,

SAMUEL L. SOUTHARD.

Doctor JOHN W. PEACO, *United States Agent for Liberated Africans, Cape Mesurado.*

Extract of a letter from Doctor John W. Peaco to the Secretary of the Navy, dated—

HOLMES HOLE, *October* 30, 1826.

On my arrival at the Cape, I found the number of recaptured Africans considerably increased, to which were afterwards added several who were liberated and brought up from Trade Town; the expenses for the sustenance of this class of settlers will, therefore, be proportionably greater, and I would respectfully request that supplies for their support and comfort be sent out, as what have been heretofore sent were intended for a much smaller number. Tobacco and other trading articles can be exchanged to great advantage, and should be provided for them in proportionably larger quantities. It is calculated, from the quantity of land which they have cleared and are continuing to clear for cultivation, and the cassada and other articles they are raising, that the expenses for the support of the present number will, in the course of a year or two, be comparatively trifling.

We find those a very useful set of people at the settlement, and much expense is saved, both to the government and to the Colonization Society, by employing them as laborers, and in clearing the land, when natives from the vicinity must otherwise be hired, the cost for which would be much greater than all the expenses for the support of those people, as, in addition to their pay, we should have to supply them with provisions; whereas the recaptured African is satisfied with his rations and clothing, with a little tobacco. The articles of diet with which we furnish them, and for which they in general give a preference, are rice, cassada, and palm oil, which we procure from the natives in exchange for tobacco, rum, cotton cloths, &c., supplies of which should be always on hand.

The liberated Africans who were sent out from the United States, and the colonists who have been there more than a year, support themselves, and are no longer much expense to us, and the balance will in a short time be able to provide for their own maintenance; we are obliged, however, to employ many of them as laborers, mechanics, &c., who draw their pay from the public stores; it will therefore be necessary to keep a supply of provisions, trading articles, &c., to furnish them; it is found to be the cheapest mode of compensating them, and they have no means while thus employed of procuring them elsewhere.

As to the defensive state of the settlement, I would respectfully observe, that the uniform companies and local militia are sufficient, provided they are furnished with the means; there is, however, in my opinion, a necessity for a small military force to guard the public property, and prevent surprise. Since the affair of Trade Town, the slave traders who traffic there have shown every disposition to distress the colonists and others at the Cape, which they can do and have done with impunity, in consequence of our not having the aid of a naval force here, by which we might prevent them. It is dangerous for a merchant vessel to approach our roadstead, as information is immediately conveyed down the coast to Trade Town, (a distance of less than one hundred miles.) A vessel is immediately selected for the purpose, which is manned, and proceeds to Mesurado, where, in full view of us all, they plunder any vessels which may be lying there, without our having any means of preventing them. A daring outrage to this effect took place the 27th of July last, an account of which has been lately published in the newspapers. After robbing the vessel and abusing the officers and crew, they proceeded very deliberately to a trading factory in the vicinity, where we understood they were collecting slaves when I left the coast. There are other cases, though not so flagrant, and we are threatened with a repetition of them. We have endeavored to make terms with King West, of Trade Town, but he will not listen to any; and nothing but the appearance of a naval force will bring him to terms. The necessity of having and keeping constantly on the coast of Africa a naval force, is daily more evident. Trade Town could be effectually blockaded by a sloop-of-war, by which means the slave trade would be abolished as far as four degrees north of the Equator. Our recaptured Africans are enticed away, and sold there to slave dealers and we cannot recover them. It is at considerable risk that our boats venture out for the purpose of procuring supplies for the settlement; our commerce is entirely unprotected; the petty kings insult us and threaten us with war; and we had it in contemplation, when I left Monrovia, to break up one of our factories down the coast, from which we were regulary supplied with palm oil, rice, and other articles of diet, on account of the hostile disposition shown by the natives in its vicinity to the factors, and the threats of King West, which we have no means of preventing him from executing. A naval force, sir, is indispensable, if it is the determination of government and the society to continue the establishment. The colonists and liberated Africans cannot be considered safe without it, and there is no protection for any vessel which may arrive there with either emigrants or freight.

With some of the lumber which was sent out by government a large house has been erected, intended as a receptacle for the Africans expected there from Georgia, where they can be made comfortable until they clear away lands and build houses for themselves; provision should be made for their support for twelve months, after which they can maintain themselves.

X.

List of deaths in the navy of the United States, since December 2, 1825.

Names.	Date of death.	Cause of death.	Place of death.
CAPTAIN.			
Robert T. Spence	September 26, 1826..	Bilious fever	Near Baltimore.
LIEUTENANTS.			
Raymond H. Perry	March 12, 1826..	.....	New York.
James M'Gowan	February 19, 1826..	Steamboat accident..	Fredonia, Indiana.
William Lowe	May 2, 1826..	.....	Baltimore.
T. S. Browne	September 6, 1826..	.....	Austerlitz, N. Y.
SURGEONS AND MATES.			
Robert S. Kearney	June 7, 1826..	Consumption	Washington.
William D. Babbitt	May 24, 1826..	Small-pox	Rio de Janeiro.
John Fitzhugh	July 6, 1826..	Effects of fever	Off Baltimore.
Samuel Biddle	February 14, 1826..	Fever	Thompson's Island.
De Witt Birch	May 1, 1826..	Typhus fever	Mediterranean.
PURSERS.			
R. C. Ludlow	May 15, 1826..	.....	New York.
A. Y. Humphreys	February 6, 1826..	Pulmonary disease...	Callao.
CHAPLAIN.			
N. Andrews	.....	.....	
MIDSHIPMEN.			
Samuel Renshaw	October 11, 1826..	Rupt. of blood vessel	Philadelphia.
Edward S. Lewis	July 25, 1826..	.....	Baltimore.
J. Hansford	September 10, 1826..	.....	Boston.
P. M. Hail	June 4, 1826..	.....	Salisbury, N. C.
Henry Skinner	March 31, 1826..	Peritonial inflammation	Norfolk.
SAILINGMASTERS.			
Daniel Jones	May 21, 1826..	.....	New York.
Joseph Lindsay	May 19, 1826..	.....	Marblehead.
Lewis B. Page	September 16, 1826..	.....	Gosport, Va.
NAVY AGENT.			
John Randall	June 10, 1826..	.....	Annapolis.
LIEUTENANTS OF MARINES.			
S. J. Coejeman	December 26, 1825..	Typhus fever	Pacific.
William T. Bourne	March 4, 1826..	In a duel	Norfolk.

Y.

List of resignations in the navy of the United States, since December 2, 1825.

Names.	Date of resignation.
CAPTAIN.	
David Porter	August 18, 1826.
LIEUTENANTS.	
Francis J. Mitchell	November 27, 1826.
Zachariah W. Nixon	March 21, 1826.
David H. Porter	July 26, 1826.
SURGEONS AND MATES.	
Samuel D. Heap	December 27, 1825.
Charles B. Hamilton	April 12, 1826.
Charles B. Jaudon	May 4, 1826.
Richard Stevens	May 11, 1826.
James Norris	June 20, 1826.
CHAPLAIN.	
John McCarty	April 21, 1826.
MIDSHIPMEN.	
Horatio N. Russell	January 14, 1826.
Lucius C. Heylin	January 16, 1826.
Francis Mallory	January 17, 1826.

Y.—*List of resignations*—Continued.

Names.	Date of resignation.
James A. Hemphill	January 24, 1826.
C. S. Whittington	February 17, 1826.
Alfred Cutler	March 8, 1826.
Alexander Van Dyke	March 10, 1826.
James W. Abbott	March 23, 1826.
John M. Doyle	April 6, 1826.
William Leggett	April 17, 1826.
Richard S. Clinton	April 20, 1826.
James W. Marshall	May 19, 1826.
Griffen Tompkins	May 22, 1826.
William B. G. Taylor	June 9, 1826.
Henry A. Chambers	June 23, 1826.
William D. B. Trotter	July 12, 1826.
Dudley Walker	August 21, 1826.
Alexander Thompson	August 8, 1826.
Charles E. Hawkins	October 17, 1826.
James S. Cosby	August 28, 1826.
Henry Etting	November 7, 1826.
SAILINGMASTERS.	
Alexander W. Macomb	May 19, 1826.
Daniel Dobbins	June 5, 1826.
Richard Dealy	October 18, 1826.
BOATSWAIN.	
C. P. Gideon, acting	June 3, 1826.
GUNNERS.	
James Bogman	October 17, 1826.
Thomas Barry	November 9, 1826.
CARPENTERS.	
John Justice	July 6, 1826.
William E. Sheffield	October 17, 1826.
SAILMAKERS.	
William Baldwin	April 21, 1826.
Nathan S. Angell	May 3, 1826.
LIEUTENANTS OF MARINES.	
Frederick Thomas	July 18, 1826.
James D. Burnham	July 24, 1826.

Z.

Copy of the estimates for the naval service for the year 1827.

NAVY COMMISSIONERS' OFFICE, *November* 9, 1826.

The Commissioners of the Navy, in obedience to your directions, have the honor to hand you herewith—

An estimate of the expenses of the navy for the year 1827, marked A.

Statements explanatory thereof, marked B, C, D, E, F, G, H.

Exhibit showing the disposition and force of the ships and vessels of the United States navy, built and building, marked I, and an estimate of the expense of the office of the Commissioners of the Navy for the ensuing year, marked K.

In further explanation of the 6th item of the estimates on paper A, the Commissioners would respectfully observe that the security and preservation of the public property, necessarily of great amount, render it indispensably necessary, in their opinion, that the navy yards should be enclosed by walls substantially built of brick or stone. Without such enclosures, no vigilance of the sentinels, however their numbers may be extended, can protect the property from depredators and incendiaries.

The large amount and great variety of stores indispensably necessary to be kept on hand, require that buildings should be erected to protect them against pilferers, and from destruction by fire, &c., &c.

The buildings for officers' quarters are required for the accommodation of those attached to the yards, in order that they may be conveniently situated to perform the duties required of them, and by their presence add to the security of the public property, and, at all times, contribute to the prompt suppression of any improper conduct on the part of the numerous persons connected with the establishment. In the opinion of the board it would be true economy to erect suitable buildings for this object, at each yard not already provided with them. The annual allowances made to officers for house rent, &c., would, in a short time, repay the cost of their construction.

The receiving and shipping stores, and the dispatch and economy so all-important in fitting out our vessels, make the wharves estimated for highly necessary.

The judicious selection of sites for the erection of buildings necessary for the yards, and for building and repairing the vessels of the United States, requires, that certain parts of the respective yards should be leveled and filled up.

The covering the roofs of the ship houses with slate, copper, or tin, is not only to protect them from

accident by fire, and prevent loss or injury to the ships within them, but the immense loss of other property also within the yard. So extensive a fire as one or more of those large buildings would make can readily be conceived as carrying destruction to all within its influence. It is presumed that views of economy, or a disposition to lessen the expense as much as possible, led to the practice of covering the roofs of those buildings with shingles. Inventions were afterwards made of reservoirs, spouts, forcing pumps, &c., &c., to give protection to the roofs against that destructive element, fire, but without success, and the Commissioners, under a sense of official duty, earnestly recommend the appropriation.

A very serious alarm was experienced on the 31st of May last, at the Boston yard. Captain Crane, under date of the 1st June, writes to the Commissioners, "that he deemed it his duty to acquaint them with a very alarming circumstance that yesterday threatened ship house No. 1, ships Virginia, Independence, Columbus, and Java, besides endangering the public storehouses and other buildings."

"A fire broke out about 4 P. M. in the upper part of Main street, Charlestown, the wind fresh to the northward and westward; our engines, &c., were immediately got in readiness; burning shingles were shortly driven into the yard and on board the ships: owing to the great drought, a small brand communicated to the roof of ship house No. 1, and it blazed; to the precautions taken, and to the activity of our own people, I attribute the safety of a vast amount of public property; the tide had just begun to make, and the water in the wells was low; had it occurred in the night, I fear the consequences would have proved serious; our engines are incapable of throwing water on the roofs of the ship houses."

The preceding extract will serve to show the great danger to be apprehended from fire within the yard, when so great an amount of property was jeopardized from one originating without the limits of the yard, and would seem to warn us to use every precaution against so destructive an enemy. Had the occurrence stated by Capt. Crane taken place in the night, property to the amount of more than a million of dollars would probably have been destroyed within the yard; whereas, had the roof of the ship house been of incombustible materials, no loss could have resulted from the occurrence.

The land recommended to be purchased for the extension of the Norfolk yard would be a valuable acquisition to the government, as well as to that yard; and as it is contemplated to secure it by a permanent enclosure, it would be desirable that provision for the purchase of the land should be made, previous to putting up the wall; if afterwards purchased, it would cost an extra expense, probably equivalent to the cost of the land.

The Pensacola Navy yard being a new establishment, where accommodations of every description are required, the estimates must necessarily be considerable, and may appear high; but the amount is, in the opinion of the Commissioners, indispensable to make the improvements necessary to render it a useful establishment.

Whilst on the subject of navy yard improvements, the board, with great deference, respectfully suggest the expediency of again urging, in the strongest manner upon Congress, to make provision to defray the expenses of a board of commissioners, to be composed of three naval officers and two civil engineers, to examine the different yards, and fix upon the plan best adapted to the arrangement of all the docks, building ships, and other establishments proper to be erected within them; which plans, when once approved by the President of the United States, shall be rigidly adhered to in all future improvements, unless deviations therefrom should be specially authorized by him.

I have the honor to be, with great respect, sir, your most obedient servant,

WM. BAINBRIDGE.

Hon. SAM'L L. SOUTHARD, *Secretary of the Navy.*

A.

There will be required for the navy, during the year 1827, three millions and fourteen thousand eight hundred and two dollars and ninety-two cents, in addition to any balances which may remain unexpended on the 1st January, 1827.

1.	Pay, subsistence, and established allowances for all officers, seamen, and others, belonging to the navy, and for all persons attached to the civil establishment of the yards	$1,343,348 00
2.	For provisions	579,148 54
3.	For the repairs of vessels in ordinary, and for the wear and tear of vessels in commission	450,000 00
4.	For medicines, surgical instruments, hospital stores, and all other expenses on account of the sick	50,000 00
5.	Ordnance and ordnance stores	35,000 00
6.	For improvements and repairs of navy yards	332,306 38
7.	For defraying the expenses which may accrue during the year 1827, for the following purposes: for freight and transportation of materials and stores of every description; for wharfage and dockage; for storage and rent; for traveling expenses of officers, and transportation of seamen; for house rent or chamber money, and for fuel and candles, to officers, other than those attached to navy yards and shore stations; for commissions, clerk hire, office rent, stationery and fuel to Navy agents; for premiums and incidental expenses of recruiting; for apprehending deserters; for compensation to judge advocates; for per diem allowance to persons attending courts-martial and courts of inquiry, and to officers engaged on extra service beyond the limits of their stations; for printing and for stationery of every description; for books, charts, nautical and mathematical instruments, chronometers, models, and drawings; for purchase and repairs of steam and fire engines, and for machinery; for purchase and maintenance of oxen and horses, and for carts, wheels, and workmen's tools of every description; for postage of letters on public service; for pilotage; for cabin furniture of vessels in commission; for taxes on navy yards and public property; for assistance rendered to public vessels in distress; for incidental labor at navy yards, not appli-	

cable to any other appropriation; for coal and other fuel for forges, foundries, steam engines; and for candles, oil and fuel, for vessels in commission, and in ordinary, and for no other object or purpose whatever $220,000 00

8. For contingent expenses for objects arising in the year 1827, and not hereinbefore enumerated 5,000 00

$3,014,802 92

B.

Estimate of the pay and subsistence of all persons of the navy, attached to vessels in commission.

	Ships of the line.	Frigates.		Sloops.		Schooners.	Total each grade.	Amount of pay and subsistence.
		First class.	Second class.	First class.	Second class.			
Number of each class	1	3	2	8	3	4		
Captains	2	3	2	1	.....	...	8	$17,630 00
Masters commandant	.....	.....	.....	7	3	1	11	11,935 00
Lieutenants commandant	.....	.....	.....	.....	.....	3	3	4,068 75
Lieutenants	9	15	8	24	9	12	77	51,012 50
Masters	1	3	2	8	3	1	18	10,282 50
Pursers	1	3	2	8	3	4	21	11,996 25
Surgeons	1	3	2	8	3	...	17	11,751 25
Surgeons' mates	3	6	4	8	3	4	28	12,635 00
Chaplains	1	3	2	.....	.....	...	6	3,427 50
Midshipmen	30	54	28	80	24	21	237	54,036 00
Secretaries	1	.....	.....	.....	.....	...	1	1,000 00
Schoolmasters	1	3	2	8	.....	...	14	5,477 50
Clerks	1	3	2	8	3	4	21	6,300 00
Boatswains	1	3	2	8	3	...	17	5,631 25
Gunners	1	3	2	8	3	4	21	6,956 25
Carpenters	1	3	2	8	3	...	17	5,631 25
Sailmakers	1	3	2	8	3	...	17	5,631 25
Boatswains' mates	6	9	6	16	6	8	51	11,628 00
Gunners' mates	3	6	4	8	3	...	24	5,472 00
Carpenters' mates	3	6	4	8	3	5	29	6,612 00
Sailmakers' mates	1	3	2	.....	.....	1	7	1,596 00
Quartermasters	10	24	16	40	12	16	118	25,428 00
Quartergunners	22	36	16	64	18	13	169	36,504 00
Yeomen	3	9	6	24	9	5	56	12,096 00
Captains' stewards	1	3	2	8	3	4	21	4,536 00
Cooks' stewards	1	3	2	8	3	4	21	4,536 00
Coopers	1	3	8	8	3	...	17	3,672 00
Armorers	1	3	2	8	3	...	17	3,672 00
Armorers' mates	.....	.....	.....	.....	.....	4	4	720 00
Masters-at-arms	1	3	2	8	3	...	17	3,672 00
Ships' corporals	5	6	4	.....	.....	...	15	2,520 00
Cooks	1	3	2	8	3	4	21	4,536 00
Cooks' mates	1	.....	.....	.....	.....	...	1	144 00
Master of the band	1	3	2	.....	.....	...	6	1,296 00
Musicians, 1st class	6	12	6	.....	.....	...	24	3,456 00
Musicians, 2d class	5	9	4	.....	.....	...	18	2,160 00
Seamen	280	450	240	480	150	56	1,656	238,464 00
Ordinary seamen	260	510	260	400	120	40	1,590	190,800 00
Boys	40	45	20	80	30	17	232	16,704 00
Pay and subsistence for six months, for							4,648	$805,686 25
returning from the Mediterranean ...	3	1	.....	2	.....	...	.....	132,040 25
Pay and subsistence for four months, for returning from the Pacific	.....	1	.....	.....	1	...	.....	30,817 50
Total	.....	.....	.....	.....	.....	...	.....	$968,544 00

C.

Statement of the pay and rations, and all other allowances of officers and others, at the navy yards and hospitals.

PORTSMOUTH, N. H.

	Number.	Pay per month.	Rations per day.	House rent per annum.	Candles per annum.	Cords of wood per annum.	Servants at $8.	Servants at $6.	Amount of pay, rations, and allowances per annum.
Yard.									
Captain	1	$100	16	.....	65	30	3	.....	$3,466 75
Master commandant	1	60	5	$300	40	20	2	.....	2,010 75
Lieutenant	1	40	3	.....	20	20	1	.....	1,081 00
Master	1	40	2	200	20	12	1	.....	1,141 75
Surgeon	1	50	2	200	20	20	1	.....	1,309 75
Purser	1	40	2	200	20	12	1	.....	1,141 75
Midshipmen	2	19	1	.....	.....	.....	.....	.....	638 50
Boatswain	1	20	2	.....	12	9	.....	1	651 75
Gunner	1	20	2	.....	12	9	.....	1	651 75
Carpenter's mate	1	19	1	.....	.....	.....	.....	.....	319 25
Steward	1	18	1	.....	.....	.....	.....	.....	307 25
									$12,720 25
Ordinary.									
Able seamen	4	12	1	.....	.....	.....	.....	.....	$941 00
Ordinary seamen	6	10	1	.....	.....	.....	.....	.....	1,267 50
									$2,208 50
Civil department.									
Storekeeper	1	.....	.....	.....	.....	.....	.....	.....	$1,700 00
Clerk to storekeeper	1	.....	.....	.....	.....	.....	.....	.....	250 00
Clerk of the yard	1	.....	.....	.....	.....	.....	.....	.....	600 00
Naval constructor	1	.....	.....	.....	.....	.....	.....	.....	2,000 00
Clerk to constructor	1	.....	.....	.....	.....	.....	.....	.....	240 00
Porter	1	25	.....	.....	.....	.....	.....	.....	300 00
									$5,090 00
Whole amount	.....	.....	.....	.....	.....	.....	.....	.....	$20,018 75

BOSTON.

Yard.									
Captain	1	$100	16	.....	65	30	3	.....	$3,466 75
Master commandant	1	60	5	.....	40	20	2	.....	1,710 75
Lieutenant	1	40	3	.....	20	20	1	.....	1,080 00
Master	1	40	2	.....	20	12	1	.....	941 75
Master	1	40	2	.....	.....	.....	.....	.....	662 50
Surgeon	1	50	2	.....	20	20	1	.....	1,109 75
Surgeon's mate	1	30	2	$145	16	14	.....	1	950 75
Purser	1	40	2	200	20	12	1	.....	1,141 75
Chaplain	1	40	2	250	.....	.....	.....	.....	912 50
Midshipman	4	19	1	.....	.....	.....	.....	.....	1,277 00
Boatswain	1	20	2	90	12	9	.....	1	741 75
Gunner	1	20	2	.....	12	9	.....	1	651 75
Carpenter's mate, qualified as caulker	1	19	1	.....	.....	.....	.....	.....	319 25
Steward	1	18	1	.....	.....	.....	.....	.....	307 25
									$15,274 50
Ordinary.									
Lieutenant	1	40	3	.....	.....	.....	.....	.....	$753 75
Master	1	40	2	.....	.....	.....	.....	.....	662 50
Carpenter	1	20	2	.....	.....	.....	.....	.....	422 50
Carpenter's mate	1	19	1	.....	.....	.....	.....	.....	319 25
Boatswain's mate	1	19	1	.....	.....	.....	.....	.....	319 25
Able seamen	12	12	1	.....	.....	.....	.....	.....	2,823 00
Ordinary seamen	24	10	1	.....	.....	.....	.....	.....	5,070 00
									$10,370 25

C.—*Statement of pay and rations*—Continued.

	Number.	Pay per month.	Rations per day.	House rent per annum.	Candles per annum.	Cords of wood per annum.	Servants at $8.	Servants at $6.	Amount of pay, rations, and allowances per annum.
Hospital.									
Surgeon	1	$50	2	$200	20	20	1	.....	$1,309 75
Surgeon's mate	1	30	2	145	16	14	.....	.....	950 75
Steward	1	18	1	.....	.....	.....	.....	.....	307 25
Nurses	2	10	1	.....	.....	.....	.....	.....	422 50
Washers	2	8	1	.....	.....	.....	.....	.....	374 50
Cook	1	12	1	.....	.....	.....	.....	.....	235 25
									$3,600 00
Civil department.									
Storekeeper	1	.....	.....	.....	.....	.....	.....	.....	$1,700 00
Clerk to storekeeper	1	.....	.....	.....	.....	.....	.....	.....	450 00
Clerk to the yard	1	.....	.....	.....	.....	.....	.....	.....	900 00
Clerk to commandant	1	.....	.....	.....	.....	.....	.....	.....	750 00
Clerk to commandant	1	30	.....	.....	.....	.....	.....	.....	360 00
Naval constructor	1	.....	.....	.....	.....	.....	.....	.....	2,300 00
Clerk to naval constructor	1	.....	.....	.....	.....	.....	.....	.....	420 00
Inspector and meas. of timber	1	.....	.....	.....	.....	.....	.....	.....	900 00
Porter	1	25	.....	.....	.....	.....	.....	.....	300 00
									$8,080 00
Whole amount	.....	.....	.....	.....	.....	.....	.....	.....	$37,324 75

NEW YORK.

Yard.									
Captain	1	$100	16	.....	65	30	3	.....	$3,466 75
Master commandant	1	60	5	$300	40	20	2	.....	2,010 75
Lieutenant	1	40	3	200	20	20	1	.....	1,281 00
Master	1	40	2	200	20	12	1	.....	1,141 75
Surgeon	1	50	2	200	20	20	1	.....	1,309 75
Surgeon's mate	1	30	2	145	16	14	.....	1	950 75
Purser	1	40	2	200	20	12	1	.....	1,141 75
Chaplain	1	40	2	250	.....	.....	.....	.....	912 50
Midshipmen	4	19	1	.....	.....	.....	.....	.....	1,277 00
Boatswain	1	20	2	90	12	9	.....	1	741 75
Gunner	1	20	2	90	12	9	.....	1	741 75
Carpenter's mate, qualified as caulker	1	19	1	.....	.....	.....	.....	.....	319 25
Steward	1	18	1	.....	.....	.....	.....	.....	307 25
									$15,602 00
Ordinary.									
Lieutenant	1	40	3	.....	.....	.....	.....	.....	$753 75
Master	1	40	2	.....	.....	.....	.....	.....	662 50
Carpenter	1	20	2	.....	.....	.....	.....	.....	422 50
Carpenter's mate	1	19	1	.....	.....	.....	.....	.....	319 25
Boatswain's mate	1	19	1	.....	.....	.....	.....	.....	319 25
Able seamen	12	12	1	.....	.....	.....	.....	.....	2,823 00
Ordinary seamen	24	10	1	.....	.....	.....	.....	.....	5,070 00
									$10,370 25
Hospital.									
Surgeon	1	50	2	200	20	20	1	.....	$1,309 75
Surgeon's mate	1	30	2	145	16	14	.....	1	950 75
Steward	1	18	1	.....	.....	.....	.....	.....	307 25
Nurses	2	10	1	.....	.....	.....	.....	.....	422 50
Washers	2	8	1	.....	.....	.....	.....	.....	374 50
Cook	1	12	1	.....	.....	.....	.....	.....	235 25
									$3,600 00

C.—*Statement of pay and rations*—Continued.

	Number.	Pay per month.	Rations per day.	House rent per annum.	Candles per annum.	Cords of wood per annum.	Servants at $8.	Servants at $6.	Amount of pay, rations, and allowances per annum.
Civil department.									
Storekeeper	1	.....	.....	.....	.....	.....	.....	.....	$1,700 00
Clerk to storekeeper	1	.....	.....	.....	.....	.....	.....	.....	450 00
Clerk of the yard	1	.....	.....	.....	.....	.....	.....	.....	900 00
Clerk to commandant	1	.....	.....	.....	.....	.....	.....	.....	750 00
Clerk to commandant	1	$30	.....	.....	.....	.....	.....	.....	360 00
Naval constructor	1	.....	.....	.....	.....	.....	.....	.....	2,000 00
Clerk to naval constructor	1	.....	.....	.....	.....	.....	.....	.....	420 00
Inspector and meas. of timber	1	.....	.....	.....	.....	.....	.....	.....	900 00
Porter	1	25	.....	.....	.....	.....	.....	.....	300 00
									$7,780 00
Whole amount	.....	.....	.....	.....	.....	.....	.....	.....	$37,352 25

PHILADELPHIA.

Yard.									
Captain	1	$100	16	$600	65	30	3	.....	$4,066 75
Master commandant	1	60	5	300	40	20	2	.....	2,010 75
Lieutenant	1	40	3	200	20	20	1	.....	1,281 00
Master	1	40	2	200	20	12	1	.....	1,141 75
Surgeon	1	50	2	200	20	20	1	.....	1,309 75
Purser	1	40	2	200	20	12	1	.....	1,141 75
Boatswain	1	20	2	90	12	9	.....	1	741 75
Gunner	1	20	2	90	12	9	.....	1	741 75
Carpenter's mate, qualified as caulker	1	19	1	.....	.....	.....	.....	.....	319 25
Steward	1	18	1	.....	.....	.....	.....	.....	307 25
									$13,061 75
Ordinary.									
Able seamen	4	12	1	.....	.....	.....	.....	.....	$941 00
Ordinary seamen	6	10	1	.....	.....	.....	.....	.....	1,267 50
									$2,208 50
Hospital.									
Surgeon	1	50	2	200	20	20	1	.....	$1,309 75
Surgeon's mate	1	30	2	145	16	14	.....	1	950 75
Steward	1	18	1	.....	.....	.....	.....	.....	307 25
Nurses	2	10	1	.....	.....	.....	.....	.....	422 50
Washers	2	8	1	.....	.....	.....	.....	.....	374 50
Cook	1	12	1	.....	.....	.....	.....	.....	235 25
									$3,600 00
Civil department.									
Storekeeper	1	.....	.....	.....	.....	.....	.....	.....	$1,200 00
Clerk to storekeeper	1	.....	.....	.....	.....	.....	.....	.....	300 00
Clerk of the yard	1	.....	.....	.....	.....	.....	.....	.....	600 00
Clerk to commandant	1	.....	.....	.....	.....	.....	.....	.....	600 00
Naval constructor	1	.....	.....	.....	.....	.....	.....	.....	2,300 00
Master joiner, and foreman of carpenters	1	.....	.....	.....	.....	.....	.....	.....	1,200 00
Clerk to constructor	1	25	.....	.....	.....	.....	.....	.....	300 00
Inspector and meas. of timber	1	.....	.....	.....	.....	.....	.....	.....	700 00
Porter	1	25	.....	.....	.....	.....	.....	.....	300 00
									$7,500 00
Whole amount	.....	.....	.....	.....	.....	.....	.....	.....	$26,370 25

C.—*Statement of pay and rations*—Continued.

WASHINGTON.

	Number.	Pay per month.	Rations per day.	House rent per annum.	Candles per annum.	Cords of wood per annum.	Servants at $8.	Servants at $6.	Amount of pay, rations, and allowances per annum.
Yard.									
Captain	1	$100	16	.....	65	30	3	.....	$3,466 75
Master commandant	1	60	5	.....	40	20	2	.....	1,710 75
Lieutenant	1	40	3	.....	20	20	1	.....	1,081 00
Master	1	40	2	.....	20	12	1	.....	941 75
Master in charge of ordnance	1	40	2	.....	.....	.....	.....	.....	662 50
Master keeper of magazine	1	40	2	.....	.....	.....	.....	.....	662 50
Surgeon	1	50	2	$200	20	20	1	.....	1,309 50
Surgeon's mate	1	30	2	145	16	14	.....	1	950 75
Purser	1	40	2	200	20	12	1	.....	1,141 75
Boatswain	1	20	2	90	12	9	.....	1	741 75
Gunner as laboratory officer	1	20	2	.....	.....	.....	.....	.....	422 50
Carpenter's mate, qualified as caulker	1	19	1	.....	.....	.....	.....	.....	319 25
Steward	1	18	1	.....	.....	.....	.....	.....	307 25
									$13,718 00
Ordinary.									
Boatswain's mate	1	19	1	.....	.....	.....	.....	.....	$319 25
Able seamen	6	12	1	.....	.....	.....	.....	.....	1,411 50
Ordinary seamen	8	10	1	.....	.....	.....	.....	.....	1,690 00
									$3,420 75
Hospital.									
Surgeon	1	50	2	200	20	20	1	.....	$1,309 75
Surgeon's mate	1	30	2	145	16	14	.....	1	950 75
Steward	1	18	1	.....	.....	.....	.....	.....	307 25
Nurses	2	10	1	.....	.....	.....	.....	.....	422 50
Washers	2	8	1	.....	.....	.....	.....	.....	374 50
Cook	1	12	1	.....	.....	.....	.....	.....	235 25
									$3,600 00
Civil department.									
Storekeeper	1	.....	.....	.....	.....	.....	.....	.....	$1,700 00
Clerk to storekeeper	1	.....	.....	.....	.....	.....	.....	.....	450 00
Clerk of yard	1	.....	.....	.....	.....	.....	.....	.....	900 00
Clerk to commandant	1	.....	.....	.....	.....	.....	.....	.....	1,000 00
Clerk to commandant	1	40	.....	.....	.....	.....	.....	.....	480 00
Naval constructor	1	.....	.....	.....	.....	.....	.....	.....	2,300 00
Clerk to naval constructor	1	35	.....	.....	.....	.....	.....	.....	420 00
Inspector and meas. of timber	1	.....	.....	.....	.....	.....	.....	.....	900 00
Master chain cable and caboose maker	1	.....	.....	.....	.....	.....	.....	.....	1,500 00
Machinist	1	.....	.....	.....	.....	.....	.....	.....	1,500 00
Engineer	1	.....	.....	.....	.....	.....	.....	.....	782 50
Master builder	1	.....	.....	.....	.....	.....	.....	.....	1,500 00
Master plumber	1	.....	.....	.....	.....	.....	.....	.....	1,200 00
Porter	1	25	.....	.....	.....	.....	.....	.....	300 00
									$14,932 50
Whole amount	.....	.....	.....	.....	.....	.....	.....	.....	$25,671 25

NORFOLK.

Yard.									
Captain	1	$100	16	.....	65	30	3	.....	$3,466 75
Master commandant	1	60	5	$300	40	20	2	.....	2,010 75
Lieutenant	1	40	3	200	20	20	1	.....	1,281 00
Master	1	40	2	200	20	12	1	.....	1,141 75
Surgeon	1	50	2	200	20	20	1	.....	1,309 75

C.—*Statement of pay and rations*—Continued.

	Number.	Pay per month.	Rations per day.	House rent per annum.	Candles per annum.	Cords of wood per annum.	Servants at $8.	Servants at $6.	Amount of pay, rations, and allowances per annum.
Surgeon's mate	1	$30	2	$145	16	14	.....	1	$950 75
Purser	1	40	2	200	20	12	1	.....	1,141 75
Chaplain	1	40	2	250	.....	.....	.....	.....	912 50
Midshipmen	4	19	1	.....	.....	.....	.....	.....	1,277 00
Boatswain	1	20	2	90	12	9	1	.....	741 75
Gunner	1	20	2	90	12	9	1	.....	741 75
Carpenter's mate, as caulker	1	19	1	.....	.....	.....	.....	.....	319 25
Steward	1	18	1	.....	.....	.....	.....	.....	307 25
									$15,602 00
Ordinary.									
Lieutenant	1	40	3	.....	.....	.....	.....	.....	$753 75
Master	1	40	2	.....	.....	.....	.....	.....	662 50
Carpenter	1	20	2	.....	.....	.....	.....	.....	422 50
Carpenter's mate	1	19	1	.....	.....	.....	.....	.....	319 25
Boatswain's mate	1	19	1	.....	.....	.....	.....	.....	319 25
Able seamen	12	12	1	.....	.....	.....	.....	.....	2,823 00
Ordinary seamen	24	10	1	.....	.....	.....	.....	.....	5,070 00
									$10,370 25
Hospital.									
Surgeon	1	50	2	200	20	20	1	.....	$1,309 75
Surgeon's mate	1	30	2	145	16	14	.....	1	950 75
Steward	1	18	1	.....	.....	.....	.....	.....	307 25
Nurses	2	10	1	.....	.....	.....	.....	.....	422 50
Washers	2	8	1	.....	.....	.....	.....	.....	374 50
Cook	1	12	1	.....	.....	.....	.....	.....	235 25
									$3,600 00
Civil department.									
Storekeeper	1	.....	.....	.....	.....	.....	.....	.....	$1,700 00
Clerk to storekeeper	1	.....	.....	.....	.....	.....	.....	.....	450 00
Clerk to yard	1	.....	.....	.....	.....	.....	.....	.....	900 00
Clerk to commandant	1	.....	.....	.....	.....	.....	.....	.....	750 00
Clerk to commandant	1	30	.....	.....	.....	.....	.....	.....	360 00
Naval constructor	1	.....	.....	.....	.....	.....	.....	.....	2,000 00
Clerk to naval constructor	1	35	.....	.....	.....	.....	.....	.....	420 00
Inspector and meas. of timber	1	.....	.....	.....	.....	.....	.....	.....	900 00
Keeper of magazine	1	.....	.....	.....	.....	.....	.....	.....	480 00
Porter	1	25	.....	.....	.....	.....	.....	.....	300 00
									$8,260 00
Whole amount	.....	.....	.....	.....	.....	.....	.....	.....	$37,832 25
PENSACOLA.									
Yard.									
Captain	1	$100	16	$600	65	30	3	.....	$4,066 75
Master commandant	1	60	5	300	40	20	2	.....	2,010 75
Lieutenant	1	40	3	200	20	20	1	.....	1,281 00
Master	1	40	2	200	20	12	1	.....	1,141 75
Purser	1	40	2	200	20	12	1	.....	1,141 75
Midshipmen	4	19	1	.....	.....	.....	.....	.....	1,277 00
Boatswain	1	20	2	90	12	9	.....	1	741 75
Gunner	1	20	2	90	12	9	.....	1	741 75
Carpenter's mate, as caulker	1	19	1	.....	.....	.....	.....	.....	319 25
Steward	1	18	1	.....	.....	.....	.....	.....	307 25
									$13,029 00

C.—*Statement of pay and rations*—Continued.

	Number.	Pay per month.	Rations per day.	House rent per annum.	Candles per annum.	Cords of wood per annum.	Servants at $8.	Servants at $6.	Amount of pay, rations, and allowances per annum.
Ordinary.									
Able seamen	4	$12	1	.....	.....	.....	.....	.....	$941 00
Ordinary seamen	6	10	1	.....	.....	.....	.....	.....	1,267 50
									$2,208 50
Hospital.									
Surgeon	1	50	2	$200	20	20	1	.....	$1,309 75
Surgeon's mate	1	30	2	145	16	14	.....	1	950 75
Steward	1	18	1	.....	.....	.....	.....	.....	307 25
Nurses	2	10	1	.....	.....	.....	.....	.....	422 50
Washers	2	8	1	.....	.....	.....	.....	.....	374 50
Cook	1	12	1	.....	.....	.....	.....	.....	235 25
									$3,600 00
Civil department.									
Storekeeper	1	.....	.....	.....	.....	.....	.....	.....	$1,700 00
Clerk to storekeeper	1	.....	.....	.....	.....	.....	.....	.....	250 00
Clerk of yard	1	.....	.....	.....	.....	.....	.....	.....	900 00
Master joiner	1	$3 per	day.	.....	.....	.....	.....	.....	939 00
Master builder	1	.....	.....	.....	.....	.....	.....	.....	2,000 00
Clerk to master builder	1	25	.....	.....	.....	.....	.....	.....	300 00
Porter	1	25	.....	.....	.....	.....	.....	.....	300 00
									$6,389 00
Whole amount	.....	.....	.....	.....	.....	.....	.....	.....	$25,226 50
SACKETTS.									
Master	1	$40	2	$200	12	20	1	.....	$1,141 75
BALTIMORE STATION.									
Captain	1	$100	8	$300	65	30	3	.....	$3,036 75
Surgeon	1	50	2	200	20	20	1	.....	1,309 75
Purser	1	40	2	.....	.....	.....	.....	.....	662 50
									$5,009 00
CHARLESTON, S. C., STATION.									
Captain	1	$100	8	$300	65	30	3	.....	$3,036 75
Surgeon	1	50	2	200	20	20	1	.....	1,309 75
Purser	1	40	2	.....	.....	.....	.....	.....	662 50
									$5,009 00

Recapitulation.

	Yard, naval.	Yard, ordinary.	Yard, civil.	Hospital.	Total amount.
Portsmouth, N. H.	$12,720 25	$2,208 50	$5,090 00	.....	$20,018 75
Boston	15,274 50	10,370 25	8,080 00	$3,600 00	37,324 75
New York	15,602 00	10,370 25	7,780 00	3,600 00	37,352 25
Philadelphia	13,061 75	2,208 50	7,500 00	3,600 00	26,370 25
Washington	13,718 00	3,420 75	14,932 50	3,600 00	35,671 25
Norfolk	15,602 00	10,370 25	8,260 00	3,600 00	37,832 25
Pensacola	13,029 00	2,208 50	6,389 00	3,600 00	25,226 50
Sacketts	1,141 75	.....	.....	.....	1,141 75
	$100,149 25	$41,157 00	$58,031 50	$21,600 00	$220,937 75
Baltimore	$5,009 00	.....	.....	.....	$5,009 00
Charleston	5,009 00	.....	.....	.....	5,009 00
	$10,018 00	.....	.....	.....	$10,018 00

D.

Statement of the number, pay, &c., of officers, &c., required for five receiving vessels, for the year 1827, explanatory of part of the first item of appropriation.

	Boston.	New York.	Philadelphia.	Norfolk.	Baltimore.	Total number.	Amount.
Masters commandant	1	1	1	1	....	4	$4,340 00
Lieutenants	3	3	2	3	2	13	8,612 50
Pursers	1	1	....	1	....	3	1,713 75
Masters	1	1	....	1	....	3	1,713 75
Surgeons' mates	1	1	....	1	....	3	1,353 75
Midshipmen	3	3	2	3	2	13	2,964 00
Boatswains' mates	1	1	1	1	1	5	1,140 00
Carpenters' mates	1	1	1	1	....	4	912 00
Stewards	1	1	1	1	1	5	1,080 00
Cooks	1	1	1	1	1	5	1,080 00
Able seamen	2	2	2	2	2	10	1,440 00
Ordinary seamen	6	6	4	6	2	24	2,880 00
Boys	4	4	2	4	2	16	1,152 00
						108	$30,381 75

E.

Statement of the pay, &c., of officers attached to recruiting stations, together with one captain, as ordnance officer, explanatory of part of the first item of appropriation.

	Boston.	New York.	Philadelphia.	Norfolk.	Baltimore.	Total number.	Amount.
Masters commandant	1	1	1	1	1	5	$5,881 25
Lieutenants	1	1	1	1	1	5	3,768 75
Midshipmen	1	1	1	1	1	5	1,596 25
Surgeons	1	1	1	1	....	4	3,130 00
Surgeons' mates	....	....	....	....	1	1	542 50
						20	$14,918 75
ORDNANCE DUTY.							
Captain	....	....	....	....	....	1	$1,930 00

F.

Exhibit of the officers, &c., awaiting orders and on furlough, explanatory of part of the first item of appropriation.

	Captains.	Masters commandant.	Lieutenants.	Masters.	Pursers.	Midshipmen.	Total number.	Amount.
Awaiting orders	9	....	83	....	4	20	116	$88,966 25
On furlough	....	2	15	2	....	1	20	7,651 50
	9	2	98	2	4	21	136	$96,617 75

Recapitulation, showing the sums composing the first item of appropriation.

Pay, &c., in commission	$968,544 00
Pay, &c., in yards	220,937 75
Pay, &c., in stations	10,018 00
Pay, &c., in receiving vessels	30,381 75
Pay, &c., in recruiting stations	14,918 75
Pay, &c., in ordnance duty	1,930 00
Pay, &c., in awaiting orders	96,617 75
	$1,343,348 00

G.

Estimate of provisions required for the navy for the year 1827.

For vessels in commission during the whole year	4,648		
For marines for ditto	666		
For receiving vessels	108		
	5,422	persons,	
At one ration per day, makes	1,979,030	rations.	
Estimated at 25 cents, is		$494,757	50
Add one ship of the line, one frigate, first class, two sloops, for six months, 1,475 persons.		67,296	87½
Also one frigate, first class, one sloop, second class, for four months, 562 persons		17,094	16⅔
Amount		579,148	54

H.

Estimates for the improvements and repairs of navy yards, explanatory of the sixth item of appropriation.

PORTSMOUTH, N. H.	
For accommodations for officers, blacksmith shop, covering roofs of ship houses with two-thirds slate and one-third copper, leveling and repairing	$17,412 55
BOSTON.	
For completing the yard wall, launching ways for 74 and frigate, causeway to connect blacksmith shop with ship house, warrant officers' quarters, repairs of wharves and buildings, covering the roofs of ship houses with one-third copper and two-thirds slate, leveling the yard	50,657 70
NEW YORK.	
For commencement of wall, completing mast and boat houses, making new front to wharves, stone work, repairs of buildings, covering roof of ship houses one-third copper and two-thirds slate, leveling and filling yard	55,160 28
PHILADELPHIA.	
For building storehouses, building mast houses, completing wharf, covering roof of ship houses with tin, repairs of buildings, &c., conveying water to the yard, and privilege of using the same	60,635 22
WASHINGTON.	
For warrant officers' houses, tinning ship house, repairs and filling in wharves	16,561 04
NORFOLK.	
For extension of yard wall, officers' quarters, mast house, timber sheds, boat houses, facing wharves with stone, covering roofs of ship houses one-third copper two-thirds slate	82,004 09
PENSACOLA.	
For officers' quarters, storehouses, work shops, wharves	49,875 50
	$332,306 38

I.

Exhibit showing the disposition and force of the vessels of the United States navy, and of the vessels building under the laws for the gradual increase of the navy, and for building ten sloops-of-war.

Independence, 74	Boston	In ordinary.
Franklin, 74	New York	In ordinary.
Washington, 74	New York	In ordinary.
Columbus, 74	Boston	In ordinary.
Delaware, 74	Norfolk	In ordinary.
North Carolina, 74	Mediterranean	In service.
Ohio, 74	New York	In ordinary.
Chippewa, 74	Sackett's Harbor	Under cover.
New Orleans, 74	Sackett's Harbor	
United States, 44	Pacific	In service.
Constitution, 44	Mediterranean	In service.
Guerriere, 44	Norfolk	Repairing.

Java, 44	Boston	Repairing.
Potomac, 44	Washington	In ordinary.
Brandywine, 44	Pacific	In service.
Congress, 36	Washington	Repairing.
Constellation, 36	West Indies and Gulf of Mexico	In service.
Macedonian, 36	Coast of Brazil	In service.
Cyane, 24	Coast of Brazil	In service.
John Adams, 24	West Indies, &c	In service.
Boston, 24	Coast of Brazil	In service.
Vincennes, 24	Pacific	In service.
Lexington, 24	West Indies, &c	In service.
Ontario, 18	Mediterranean	In service.
Erie, 18	Mediterranean	In service.
Peacock, 18	Pacific	In service.
Hornet, 18	West Indies	In service.
Porpoise, 12	Mediterranean	In service.
Dolphin, 12	Pacific	In service.
Frigate of the 1st class, lately purchased, and in ordinary at New York.		
Grampns, 12	West Indies and Gulf of Mexico	In service.
Shark, 12	West Indies and Gulf of Mexico	In service.
Fox, 3	Baltimore	Receiving vessel.
Alert	Norfolk	Receiving vessel.
Sea Gull	Philadelphia	Receiving vessel.
Fulton, steam frigate	New York	Receiving vessel.

BUILDING.

Ships of the line.—Alabama, at Portsmouth; Virginia and Vermont, at Boston; Pennsylvania, at Philadelphia; and New York, at Norfolk.

Frigates, first class.—Santee, at Portsmouth; Savannah and Sabine, at New York; Raritan, at Philadelphia; Cumberland, at Boston; Columbia, at Washington; and St. Lawrence, at Norfolk.

Sloops, first class.—Concord, at Portsmouth; Warren and Falmouth, at Boston; Fairfield, at New York; Vandalia, at Philadelphia; St. Louis, at Washington; and Natchez, at Norfolk.

Frames for three frigates of the first class contracted for.

K.

Estimate of the sums required for the support of the office of the Navy Commissioners, for the year 1827.

Commissioners of the Navy Board	$10,500
Secretary	2,000
Clerks, per act of April 20, 1818	3,550
Clerks and draftsman, per act of May 26, 1824	4,000
Messenger	700
Contingent expenses	1,800
	$22,550

NAVY COMMISSIONERS' OFFICE, *November* 9, 1826.

Estimate of the sums required for the support of the office of the Secretary of the Navy, for the year 1827.

Salary of the Secretary of the Navy, per act of Congress of February 20, 1819	$6,000
Compensation to the clerks, authorized per act of April 20, 1818	8,200
Compensation to one additional clerk, per act of May 26, 1824	1,000
Compensation to the messenger and assistant messenger	1,050
Contingent expenses	3,000
	$19,250

Submitted.

Additional compensation to the clerk whose salary is now $800, which is proposed to be increased to $1,000 per annum	200
Compensation to one additional clerk,	1,000
	$20,450

The necessity for the two last items was fully explained in a letter to the chairman of the Committee of Ways and Means of the House of Representatives, dated 21st January, 1826.

NOTE.—Of the sum estimated for contingent expenses, $2,000 will be required for the current expenses of 1827, the other $1,000 for arrearages of and prior to 1826, to repay the amount heretofore expended for extra clerk hire during the session of Congress, and for similar expenses during the ensuing session.

Estimate of the sum required for the improvement and repairs of the two Executive buildings west of the President's house, occupied by the War and Navy Departments, in addition to what is now granted, submitted by the Superintendent.

For repairing the wells and pumps, which are considerably out of order	$120
For painting the passages, outside walls, and window frames,	500
For planting trees and making pavement	200
	$880

Z.

Estimate for the marine corps, for the year 1827.

HEAD-QUARTERS OF THE MARINE CORPS, *Washington, November* 13, 1826.

SIR: I have the honor to transmit to the Department the estimates for the marine corps for the year 1827, together with a letter from the quartermaster, explanatory of them.

I remain, with great respect, your most obedient servant,

ARCH'D HENDERSON, *Lieut. Colonel Commandant.*

Hon. SAMUEL L. SOUTHARD, *Secretary of the Navy.*

Estimate of pay for officers, non-commissioned officers, musicians and privates, and subsistence for the officers of the United States marine corps, for the year 1827.

HEAD-QUARTERS OF MARINES, *Paymaster's Office, Washington, November* 13, 1826.

PAY.

One lieutenant colonel commandant, at $75 per month	$900	
One lieutenant colonel, at $60 per month	720	
One paymaster, at $50 per month	600	
One quartermaster, at $60 per month	720	
Seven captains, at $40 per month	3,360	
Twenty-three first lieutenants, at $30 per month	8,280	
Sixteen second lieutenants, at $25 per month	4,800	
One surgeon, at $50 per month	600	
One surgeon's mate, at $40 per month	480	
One sergeant major, at $10 per month	120	
One quartermaster sergeant, at $10 per month	120	
One drum major, at $9 per month	108	
One fife major, at $9 per month	108	
Seventy-one sergeants, at $9 per month	7,668	
Seventy-three corporals, at $8 per month	7,008	
Twenty drummers, at $7 per month	1,680	
Twenty fifers, at $7 per month	1,680	
Seven hundred and fifty privates, at $6 per month	54,000	
Extra pay to adjutant and inspector, at $30 per month	360	
		$93,312

SUBSISTENCE.

One lieutenant colonel, six rations per day, and six as commandant, twelve rations per day, is 4,380, at 20 cents each	$876	
One lieutenant colonel, five rations per day, is 1,825, at 20 cents	365	
One paymaster, four rations per day, is 1,460, at 20 cents	292	
One quartermaster, four rations per day, is 1,460, at 20 cents	292	
Seven captains, three rations per day, is 7,665, at 20 cents	1,533	
Twenty-three first lieutenants, four rations per day, is 33,580, at 20 cents	6,716	
Sixteen second lieutenants, three rations per day, is 17,520, at 20 cents	3,504	
One surgeon, two rations per day, is 720, at 25 cents	180	
One surgeon's mate, two rations per day, is 720, at 20 cents	146	
		13,904
		$107,216

JOS. L. KUHN, *Paymaster M. C.*

HEAD-QUARTERS MARINE CORPS, *Quartermaster's Office, Washington City, November* 1, 1826.

SIR: I have the honor to transmit an estimate of appropriation required for the quartermaster's department of the marine corps, for the year 1827.

The limits defined by the Commissioners of the Navy for the marine enclosure in the Navy yard at Philadelphia, render it necessary, in order to properly locate the officers' quarters, (for which an apropriation was made last year,) that the barracks occupied by the men should be removed, and as they are old, and the expense of repairing them would be considerable, it was deemed advisable to suspend the building of the officers' quarters until the additional sum of $11,000, in the present estimate, could be obtained for the erection of new barracks for the men.

Explanatory of the necessity of the appropriation for barracks at New York, I enclose herewith a certificate, forwarded to this office by Lieutenant Col. R. Smith, showing the present barracks to be untenantable and unworthy of repair.

I would further state that from personal inspection I agree in opinion with the signers of the certificate.

I am, very respectfully, sir, your obedient servant,

E. J. WEED, *Quartermaster Marine Corps.*

To Col. A. HENDERSON, *Commandant Marine Corps.*

MARINE BARRACKS, *Brooklyn, N. Y., October* 12, 1826.

SIR: In obedience to your request, we have taken a survey of the quarters occupied by the troops under your command, and have the honor to make the following statement:

That, on examination of the left wing of the barracks, we find that the dilapidated condition of the roof and the rottenness of the timbers render it entirely unfit to be occupied. The condition of the roof is such, that, in bad or wet weather, the rain is admitted in many parts; and we find, on inspection this day, that the floor of a room occupied by one of the officers is completely overflowed by water, admitted through the roof.

That the rooms occupied by the non-commissioned officers and privates are not in a fit state to live in; they all leak, and it is our opinion, it would be dangerous to attempt a repair of the roof, from the rottenness of the rafters: besides a repair might be attended with more expense than the buildings are worth.

That one of the barrack rooms is occupied as a hospital, and is entirely unfit for the accommodation or comfort of the sick.

That the room occupied as the commanding officer's office is in a very leaky condition, and it appears impossible for the clerk to keep the books and papers in a proper state of preservation.

That the guard room is very bad, and the cells above it so entirely insecure, that the safe keeping of the prisoners is rendered doubtful, even with the most constant vigilance.

That the quarters occupied by the commanding officer, in wet weather are entirely untenantable.

That, in fact, the money it would require to put the barracks in good repair would be more than the buildings in their present condition are worth.

That the building occupied as a store, for arms, accoutrements and clothing, is a mere *shell*, and admits the rain in almost every part; in consequence, the articles receive much injury from such exposure.

We are, sir, respectfully, your obedient servants,

BENJ. MACOMBER, *Lieutenant of Marines.*
G. F. LINDSAY, *Lieutenant of Marines.*
JOHN F. WALTON, *Master Joiner, Navy Yard.*

Colonel RICHARD SMITH, *Commanding Marines, New York.*

Estimate for expenditures in the quartermaster's department of the United States marine corps, for the year 1827.

SUBSISTENCE.

For 297 non-commissioned officers, musicians, privates and washerwomen, serving on shore, at one ration per day each, is 108,405 rations, at 12 cents per ration, is.....		$13,008 60

CLOTHING.

For 938 non-commissioned officers, musicians and privates, at 30 dollars each.	$28,140 00	
For 100 watch coats, at $6.25 each.....	625 00	
		28,765 00

FUEL.

For the officers, non-commissionnd officers, musicians, privates and washerwomen, and for the public offices and armory.....		9,098 00

CONTINGENCIES.

For traveling expenses for officers, and transportation of men, freight of stores from one station to another, toll, ferriage, wharfage and cartage, expenses of recruiting, per diem allowance for attending courts-martial and courts of inquiry, and for officers on extra duty, compensation to judge advocates, house rent and chamber money, where there are no quarters assigned, incidental labor in the quartermaster's department, expenses for burying deceased persons belonging to the marine corps, printing and stationery, postage on public letters, forage, expenses of pursuing deserters, keeping in repair the barracks at the different stations, straw for the men, barrack furniture, spades, shovels, axes, picks and carpenters' tools, and for no other purpose whatever	$13,500 00	
For sundry expenses arising in the current year, and not hereinbefore mentioned.....	500 00	
		14,000 00

MEDICINES.

For medicines, hospital stores, and instruments for the officers and marines (on shore)....		2,369 71

BARRACKS.

For completing the barracks at Philadelphia.....	$11,000 00	
For erecting new barracks at New York.....	30,000 00	
		41,000 00
		$108,241 31

E. J. WEED, *Quartermaster Marine Corps.*

HEAD-QUARTERS MARINE CORPS, *Quartermaster's Office, Washington City, Nov.* 14, 1826.

19TH CONGRESS.] No. 320. [2D SESSION.

NAMES OF THE OFFICERS AND SEAMEN OF THE KETCH INTREPID, IN THE ATTACK ON THE FRIGATE PHILADELPHIA, AT TRIPOLI, IN 1804.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 8, 1826.

NAVY DEPARTMENT, *December* 6, 1826.

In compliance with the resolution of the House of Representatives, of the 20th of May last, "That the Secretary of the Navy be directed to report, during the first week of the next session of Congress, the number and names of the officers and seamen who were on board the ketch Intrepid, on the sixteenth of February, one thousand eight hundred and six, [1804] in the attack made on the frigate Philadelphia, and now surviving, so far as the same can be ascertained in his Department; and that he, at the same time, report the number and names of the widows of such of said officers and seamen as have deceased; and that he state what proportion of the officers and seamen on board of the navy are married, so far as the same may be practicable," the Secretary of the Navy has the honor to report: That there were on board the ketch Intrepid, on the 16th of February, 1804, (that being the year in which the attack on the frigate Philadelphia was made):

Fourteen commissioned and warrant officers, twelve petty officers, twenty-eight able seamen, eight ordinary seamen, and eight marines: the names of all of whom will be found in paper marked A.

The remarks in the third column of this paper are not on the original, on file, but are added by the Fourth Auditor, from information furnished by his office. It is also proper to state that the name of Salvador Catalano does not appear in this list. He was a Sicilian, specially employed as a pilot for this service, and, having satisfactorily performed his duty, has been since retained in the public employment, and is now acting as sailingmaster at the Navy yard in this city.

Paper B contains the names of those officers who now survive, as far as the facts are known.

Paper C contains the names of those who have died, together with such information as the Department has been able to procure respecting the names of the widows of such as were married, and the number of children left by each.

Of the seamen and marines on board the Intrepid at the time, the records of this Department furnish no other information than is contained in paper A. They were selected from the different ships composing the squadron in the Mediterranean, and, on their return from Tripoli, were restored to their respective stations in those ships, and have since, doubtless, been scattered in every direction. The surviving officers, who then commanded them, can give no satisfactory accounts of their lives or deaths. As they were a select crew, in the vigor of life at that period, now twenty-two years ago, it is probable that very few, if any, are living. Should Congress make an appropriation for their benefit, the agent appointed to attend to its distribution will be able to discover them, by means of advertisements explaining his object, if indeed any of them are still living.

In the paper D will be found so much of the correspondence of the Department, in relation to this subject, as is supposed necessary to show the nature of the information on which the facts are stated.

Respectfully submitted.

SAM'L L. SOUTHARD.

The SPEAKER *of the House of Representatives.*

A.

TREASURY DEPARTMENT, *Fourth Auditor's Office, May* 29, 1826.

SIR: In compliance with the request contained in your letter of the 26th instant, enclosing a resolution of the House of Representatives, passed on the 20th of this month, I have the honor to transmit to you a copy of the original list of the officers, seamen, and marines, who volunteered on board the ketch Intrepid, for the destruction of the frigate Philadelphia, in the harbor of Tripoli. I have inserted, in the column of remarks, the only additional information called for by the resolution, that is in the possession of this office.

I have the honor to be, very respectfully, sir, your obedient servant,

T. WATKINS.

Hon. SECRETARY *of the Navy.*

List of officers and seamen who volunteered their services for the destruction of the frigate Philadelphia.

Names.	Stations.	Remarks.
Stephen Decatur, jr	Commander	Dead: left a widow.
James Lawrence	Lieutenant	Dead: left a widow and child.
Joseph Bainbridge	do	Dead: left a child.
Jonathan Thorn	do	Dead.
Lewis Heermann	Surgeon	At New Orleans.
Thomas McDonough	Midshipman	Dead: left children.
John Rowe	do	
Ralph Izard	do	
Alexander Laws	do	
Charles Morris	do	Now Navy Commissioner.
John Davis	do	

List of officers and seamen—Continued.

Names.	Stations.	Remarks.
Thomas O. Anderson	Midshipman	
William Wiley	Boatswain	
William Hook	Gunner	
George Crawford	Quartermaster	
George Brown	do	
John Newman	do	
Paul Frazier	do	
James Metcalf	Boatswain's mate	
Nicholas Brown	do	
Edward Burk	Seaman	
Edward Kellen	Master's mate	
Samuel Endicott	Quartergunner	
James Wilson	do	
John Ford	do	
Richard Doyles	do	
Peter Munell	Seaman	
Richard Ormond	do	
Samuel Jackson	do	
James Pasgrove	do	
Joseph Goodwin	do	
John Boyles	do	
Augustus C. Fleur	do	
Charles Berryman	do	
Daniel Frazier	do	
William Graham	do	
Reuben James	do	
Robert Love	do	
John Williams	do	
Joseph Fairfield	do	
George Fudge	do	
James Robinson	do	
Matthew Yeates	do	
William Ducket	do	
Andrew Espey	do	
William Tumbo	do	
Thomas James	do	
Joseph Numond	do	
George Murray	do	
Robert M'Knight	do	
William Dixon	do	
Henry Davenport	do	
Joseph Parker	do	
Joseph Boyd	Ship's steward	
Dennis O'Brian	Ordinary seaman	
Jacob Kurgen	do	
John Burtson	do	
William Rodgers	do	
Charles Robinson	do	
William Trippet	do	
John Joseph	do	
Michael Williams	do	
Marines.		
Solomon Wren	Sergeant	
Duncan Mansfield	Corporal	
Noble James	Private	
John Quin	do	
Isaac Camfield	do	
Reuben O'Brian	do	
William Pepper	do	
John Wolsfrandorf	do	

The within and foregoing is a correct list of the officers, seamen, &c., that assisted in destroying the frigate Philadelphia, in the harbor of Tripoli.

STEPHEN DECATUR, JR.

B.

List of officers on board the ketch Intrepid, on the 16th of February, 1804, in the attack on the frigate Philadelphia, in the harbor of Tripoli, who are living in December, 1826.

Lewis Heermann, surgeon; Charles Morris, midshipman; Thomas O. Anderson; all married.

C.

List of officers on board the ketch Intrepid, on the 16th of February, 1804, in the attack on the frigate Philadelphia, in the harbor of Tripoli, who have since died, with the names of the widows of such as were married, and the number of children left by each.

Name of officer.	Rank.	Name of widow.	Number of children.
Stephen Decatur, jr...	Lieut. commanding ..	Susan Decatur.....	None.
James Lawrence.....	Lieutenant	Julia M. Lawrence.....	One daughter.
Joseph Bainbridge....	Lieutenant	None	One daughter.
Jonathan Thorn.....	Lieutenant	Never married.....	
Thomas McDonough ..	Midshipman	None	Five (4 sons and 1 daughter.)
Ralph Izard*.....	Midshipman	Widow alive; name not known.....	Four (1 son and 3 daughters.)
John Rowe.....	Midshipman	Not married and believed to be dead.....	
Alexander Laws.....	Midshipman	Not known.....	None.

D.

NAVY DEPARTMENT, *May* 26, 1826.

SIR: You will be pleased to furnish a copy of the original list of officers and men on board the ketch Intrepid, at the burning of the frigate Philadelphia.

I have also to request any other information in your office which will enable me to answer the resolution of the House of Representatives, copy of which is enclosed.

I am, respectfully, &c., SAM'L L. SOUTHARD.

TOBIAS WATKINS, Esq., *Fourth Auditor of the Treasury.*

NAVY DEPARTMENT, *May* 26, 1826.

SIR: I enclose a copy of a resolution of the House of Representatives, directing the Secretary of the Navy to furnish certain information respecting the officers and men who were on board the ketch Intrepid at the destruction of the frigate Philadelphia.

Your participation in that brilliant achievement, and consequent acquaintance with the persons who were engaged in it, may enable you to communicate facts not within the knowledge of the Department; and I therefore have to request the favor of you to furnish any information that may be useful in preparing an answer to the resolution.

I am, very respectfully, &c., SAM'L L. SOUTHARD.

CHARLES MORRIS, Esq., *Commissioner of the Navy.*
THOMAS O. ANDERSON, Esq., *Newtown, N. J.*
Dr. LEWIS HEERMANN, *Surgeon U. S. Navy, New Orleans.*

NAVY DEPARTMENT, *May* 30, 1826.

SIR: By a resolution of Congress, passed during the recent session, I am directed to communicate all the information I can obtain respecting the families of those persons who were on board the ketch Intrepid at the destruction of the frigate Philadelphia.

Among the officers engaged in that brilliant achievement was Ralph Izard, a native of South Carolina, who served as a midshipman. I have to request that you will endeavor to ascertain from his relatives, or any one else, the name of his widow, and the names and number of his children, should any of them still survive.

I am, respectfully, &c.,

SAM'L. L. SOUTHARD.

Captain JOHN D. HENLEY, *Commanding Naval Officer, Charleston, S. C.*

NAVY DEPARTMENT, *May* 30, 1826.

SIR: Being called upon by a resolution of Congress to communicate, at the next session, certain information respecting the families of those persons who were on board the ketch Intrepid at the destruction of the frigate Philadelphia, I have to request the favor of you to state the number and names of the orphan children of the late Commodore Thomas McDonough, who was a midshipman in that expedition.

I am, very respectfully, &c., SAMUEL L. SOUTHARD.

Rev. EDWARD RUTLEDGE, *Middletown, Connecticut.*

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* R. Izard was rated as master's mate on board the frigate Constitution.

WASHINGTON, *May* 29, 1826.

SIR: I have the honor to acknowledge the receipt of your letter of the 26th instant, covering a resolution of the House of Representatives, requesting certain information relative to the persons who were on board the ketch Intrepid, at the destruction of the frigate Philadelphia.

A list of the names of the officers and others engaged in that enterprise is on file in the office of the Fourth Auditor.

What number of the seamen and marines are alive at this time I have no means of ascertaining, but presume there are but few, some years having elapsed since I met with any of them; nor can I communicate any information of the names or number of their widows.

The commander, then Lieutenant Decatur, and the Lieutenants Lawrence, Bainbridge, and Thorn, are all dead. The surgeon, Dr. Heermann, is still living. Of the midshipmen, Izard, McDonorgh, and Davis are deceased. I believe Rowe to be dead, and Laws to be living, but am not certain. Anderson and myself still survive. The pilot is also still living.

Commodore Decatur left a widow; Captain Lawrence a widow and one daughter; Captain Bainbridge an orphan daughter; Captain McDonough left several orphan children, and Lieutenant Izard a widow, and several children by a former wife.

With much respect, I have the honor to be, sir, your obedient servant,

C. MORRIS.

Hon. SAM'L L. SOUTHARD, *Secretary of the Navy.*

CHARLESTON, *S. C., June* 13, 1826.

SIR: I have the honor to acknowledge the receipt of your letter under date of the 30th ultimo. In reply I have to say, that I have endeavored to ascertain correctly the number of children left by Mr. Ralph Izard, and find, by information received from Mr. John Middleton, brother to Mr. Izard's first wife, that there are four now living. Their names are as follows:

Ann Middleton Izard, Alice Delancy Izard, Charlotte Georgiana Izard, Ralph Delancy Izard.

Mr. Izard afterwards married the daughter of the late General Charles Cotesworth Pinckney; by her he had no children. The children now reside in Philadelphia, with their grandmother, Mrs. Izard. His widow left here some time since for the north.

I have the honor to be, most respectfully, your obedient servant,

J. D. HENLEY.

Hon. SAM'L L. SOUTHARD, *Secretary of the Navy.*

NEW ORLEANS, *September* 10, 1826.

SIR: In compliance with your order of 26th May, covering a copy of a resolution of the House of Representatives, requesting information of the officers and men who were on board the ketch Intrepid, at the destruction of the frigate Philadelphia, &c., I offer a mere skeleton, as the only remains of the body of information once in my possession.

The lapse of two and twenty years, capable of weakening more durable impressions than those generally made by the names and personal identities of a ship's crew, will excuse, I trust, the very imperfect and perhaps unsatisfactory report I have rendered. As a possible source, however, of more extensive information on the subject, I beg leave to point out to the Department, Mr. Boyd,* who is a brother, I am informed, to Joseph Boyd, then the purser's steward on board. Commodore Morris, also on board, and a midshipman, at the time, of the Constitution, may be able to give information in respect to the junior officers of his class, and of circumstances and facts not known to me, or no longer within the reach of my recollection.

The reminiscences connected with the expedition, in detail, I believe to be in substance correct and true, and are respectfully placed at the disposal of the honorable the Secretary of the Navy, in furtherance of any information that might be useful, and not in the possession of the Department.

I have the honor to be, with great respect and high consideration,

Sir, your very obedient servant,

LEWIS HEERMANN.

The Hon. SAM'L L. SOUTHARD, *Secretary U. S. Navy, Washington.*

STRATFORD, *Connecticut, June* 18, 1826.

SIR: In compliance with your request, I transmit you the names of the children of the late Captain Thomas McDonough.

J. Edward F. McDonough, aged 10 years; Charles Shaler McDonough, aged 8 years; Augustus Rodney McDonough, aged 6 years; Thomas McDonough, aged 4 years, and Charlotte Rosella McDonough, aged 1 year.

Any further information necessary, I shall be happy to communicate.

With very great respect, I remain, your obedient servant,

EDWARD RUTLEDGE, *Legal Guardian to said Orphans.*

Hon. SAM'L L. SOUTHARD, *Secretary of the Navy.*

* Auctioneer at Norfolk, Va.

19TH CONGRESS.] No. 321. [2D SESSION.

ON CLAIM OF A NAVY PENSIONER TO A PENSION FROM THE NAVY PENSION FUND, FROM DATE OF HIS DISABILITY.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 27, 1826.

Mr. STORRS, from the Committee on Naval Affairs, to whom was referred, on the 18th December, 1826, the petition of William Thompson, reported:

That the petitioner was, by an act of the last session of Congress, placed on the pension list of the navy pension fund, in consequence of a disability incurred from wounds while he was engaged on board the revenue cutter Louisiana; that by the construction given to that act at the Navy Department, the pension of the petitioner is construed to commence from the date of the passage of the law for his relief. He now prays that a law may be passed granting him his pension, to commence from the time of his disability. The committee are of opinion that the construction which has been put on the act of the last session is correct, and that it would be inexpedient to grant the prayer of the petitioner. They therefore recommend to the House the following resolution:

Resolved, That the petitioner have leave to withdraw his petition and papers.

19TH CONGRESS.] No. 322. [2D SESSION.

NAVAL REGISTER FOR 1827.

COMMUNICATED TO THE SENATE JANUARY 3, 1827.

NAVY DEPARTMENT, *December* 30, 1826.

SIR: I have the honor herewith to transmit to you, for the use of the members of the Senate, fifty copies of the Naval Register for the year 1827, prepared in obedience to a resolution of Congress, passed on the 13th day of December, 1815.

I am, sir, very respectfully, &c.,

SAM'L L. SOUTHARD.

To the PRESIDENT *of the Senate of the United States.*

Naval register for 1827.

OFFICE OF THE SECRETARY OF THE NAVY.

Names.	Duty.	Place of birth.	Salary.
Samuel L. Southard	Secretary	New Jersey	$6,000
Charles Hay	Chief clerk	Virginia	2,000
John Boyle	Corresponding clerk	Ireland	1,600
Benjamin Homans	Corresponding clerk	Massachusetts	1,400
Richard B. Maury	Register	Virginia	1,400
William Cottringer	Warrant clerk	Pennsylvania	1,000
Thomas Fillebrown, jr.	Recording and copying clerk	Maine	1,000
Thomas Miller	Recording and copying clerk	Virginia	800
Nathan Eaton	Messenger	Massachusetts	700
Frederick Lewis	Assistant messenger	Maryland	350
OFFICE OF THE NAVY COMMISSIONERS.			
William Bainbridge, president	Commissioner	New Jersey	$3,500
Charles Morris	Commissioner	Connecticut	3,500
Lewis Warrington	Commissioner	Virginia	3,500
C. W. Goldsborough	Secretary	Maryland	2,000
William G. Ridgely	Chief clerk	Maryland	1,600
John Green	Clerk	Maryland	1,150
Joseph P. M'Corkle	Clerk	Delaware	1,000
James Hutton	Clerk	Pennsylvania	1,000
Robert A. Slye	Clerk	Maryland	1,000
B. S. Randolph	Clerk	Virginia	800
C. Schwarz	Draftsman	Germany	1,000
Benjamin G. Bowen	Messenger	Maryland	700

Naval register for 1827—Continued.

CAPTAINS.

Names.	Original entry into the service.	Date of present commission.	Where born.	State from which appointed.	State of which a citizen.	Duty or station.
John Rodgers	Lieutenant, March 9, 1798.	March 5, 1799.	Maryland	Maryland	Maryland	Commanding Mediterranean squadron.
James Barron	do March 9, 1798.	May 22, 1799.	Virginia	Virginia	Virginia	Commandant Navy yard, Gosport.
Wm. Bainbridge	Lieut. and commander, August 3, 1798.	May 20, 1800.	New Jersey	Pennsylvania	New Jersey	President Navy Board.
Thomas Tingey*	Captain, Sept. 3, 1798.	Nov. 22, 1804.	England	New Jersey	Dist. Columbia.	Commandant Navy yard, Washington.
Charles Stewart	Lieutenant, March 9, 1798.	April 22, 1806.	Pennsylvania	Pennsylvania	New Jersey	Waiting orders.
Isaac Hull	do March 9, 1798.	April 23, 1806.	Connecticut	Connecticut	Connecticut	Pacific squadron.
Isaac Chauncy	do Sept. 17, 1798.	April 24, 1806.	Connecticut	New York	New York	Commandant Navy yard, New York.
Jacob Jones	Midshipman, April 10, 1799.	March 3, 1813.	Delaware	Delaware	Delaware	Commanding Pacific squadron.
Charles Morris	Acting midshipman, July 1, 1799.	March 5, 1813.	Connecticut	Connecticut	Connecticut	Commissioner Navy Board.
Arthur Sinclair	Midshipman Nov. 15, 1798.	July 24, 1813.	Virginia	Virginia	Virginia	Commanding afloat, Norfolk.
Lewis Warrington	do Jan. 6, 1800.	Nov. 22, 1814.	Virginia	Virginia	Virginia	Commissioner Navy Board.
William M. Crane	do May 22, 1799.	Nov. 24, 1814.	New Jersey	New Jersey	New Jersey	Commandant Navy yard, Charlestown.
James T. Leonard	do Feb. 26, 1799.	Feb. 4, 1815.	New York	New York	New York	Waiting orders.
James Biddle	do Feb. 12, 1800.	Feb. 28, 1815.	Pennsylvania	Pennsylvania	Pennsylvania	Commanding Brazilian squadron.
Charles D. Ridgeley	do Oct. 17, 1799.	Feb. 28, 1815.	Maryland	Maryland	Maryland	Commanding West India squadron.
Daniel T. Patterson	do Aug. 20, 1800.	Feb. 28, 1815.	New York	New York	Louisiana	Commanding frigate Constitution.
Melan. T. Woolsey	do April 9, 1800.	April 27, 1816.	New York	New York	New York	Commandant Navy yard, Pensacola.
John O. Creighton	do June 25, 1800.	April 27, 1816.	New York	New York	New York	Commandant Navy yard, Portsmouth.
John Downes	do June 1, 1802.	March 5, 1817.	Massachusetts	Massachusetts	Massachusetts	Waiting orders.
John D. Henley	do Oct. 14, 1799.	March 5, 1817.	Virginia	Virginia	Maryland	Commanding naval officer, Baltimore.
Jesse D. Elliott	do April 2, 1804.	March 27, 1818.	Maryland	Pennsylvania	Pennsylvania	Commanding corvette Cyane.
Robert Henley	do April 8, 1799.	March 3, 1825.	Virginia	Virginia	Virginia	Commanding naval officer, Charleston.
Stephen Cassin	do Feb. 21, 1800.	March 3, 1825.	Pennsylvania	Pennsylvania	Dist. Columbia.	Waiting orders.
James Renshaw	do July 7, 1800.	March 3, 1825.	Pennsylvania	Pennsylvania	Pennsylvania	Commandant Navy yard, Philadelphia.
Thomas Brown	do April 28, 1801.	March 3, 1825.	Delaware	Pennsylvania	Pennsylvania	Waiting orders.
C. C. B. Thompson	do Dec. 22, 1802.	March 3, 1825.	Virginia	Virginia	Virginia	Waiting orders.
Alex. S. Wadsworth	do April 2, 1804.	March 3, 1825.	Maine	Maine	Maine	Inspector of ordnance and ammunition.
George W. Rodgers	do April 2, 1804.	March 3, 1825.	Maryland	Maryland	Maryland	Waiting orders.
George C. Read	do April 2, 1804.	March 3, 1825.	Ireland	Pennsylvania	Pennsylvania	Waiting orders.
Henry E. Ballard	do April 24, 1804.	March 3, 1825.	Maryland	Maryland	Maryland	Waiting orders.
David Deacon	do Oct. 10, 1799.	Jan. 24, 1826.	New Jersey	New Jersey	New Jersey	On leave of absence.
Captains—31.						

* Left out under peace establishment. Re-appointed a captain November 22, 1804.

☞ For changes, see Supplement.

NOTE.—Those officers "on leave of absence" have generally returned from long cruises, and are subject to immediate orders. Some of them are in ill health.

Naval register for 1827—Continued.

MASTERS COMMANDANT.

Names.	Original entry into the service.	Date of present commission.	Where born.	State from which appointed.	State of which a citizen.	Duty or station.
Louis Alexis	July 15, 1798	Dec. 10, 1814	France	Massachusetts	Massachusetts	Furlough.
Sidney Smith	July 26, 1800	Feb. 28, 1815	New York	New York	New York	Waiting orders.
Samuel Woodhouse	May 2, 1801	April 27, 1816	Pennsylvania	Pennsylvania	Pennsylvania	Leave of absence.
William Carter	Dec. 20, 1804	do	North Carolina	North Carolina	North Carolina	Not on duty.
Joseph J. Nicholson	April 2, 1804	March 5, 1817	Maryland	Maryland	Maryland	Rendezvous, Baltimore.
Wolcott Chauncey	June 28, 1804	do	Connecticut	New York	New York	Receiving ship at Boston.
E. P. Kennedy	Nov. 22, 1805	do	Maryland	District of Columbia	Virginia	Receiving ship at Norfolk.
Alexander J. Dallas	do	do	Pennsylvania	Pennsylvania	Pennsylvania	Navy yard, Philadelphia.
John B. Nicolson	July 4, 1805	do	Virginia	Virginia	Virginia	Sloop Ontario.
B. V. Hoffman	do	do	New York	New York	New York	Sloop Boston.
Jesse Wilkinson	July 10, 1805	April 18, 1818	Virginia	Virginia	Virginia	Corvette John Adams.
George Budd	Nov. 22, 1805	March 28, 1820	Maryland	Maryland	Maryland	Receiving ship at New York.
T. Ap Catesby Jones	do	do	Virginia	Virginia	Virginia	Sloop Peacock.
John Porter	June 20, 1806	do	Maryland	Maryland	.....	Leave of absence.
William B. Finch	do	do	England	District of Columbia	District of Columbia	Sloop Vincennes.
William B. Shubrick	Aug. 16, 1806	do	South Carolina	South Carolina	South Carolina	Sloop Lexington.
Benjamin W. Booth	June 20, 1806	do	Virginia	Virginia	Connecticut	Navy yard, Washington.
Alexander Claxton	do	do	Pennsylvania	District of Columbia.	Pennsylvania	Sloop Hornet.
Charles W. Morgan	Jan. 1, 1808	April 15, 1820	Virginia	Virginia	New York.	Rendezvous, New York.
Lawrence Kearny	July 24, 1807	March 3, 1825	New Jersey	New Jersey	New Jersey	Sloop Warren.
Foxhall A. Parker	Jan. 1, 1808	do	Virginia	Virginia	New York	Navy yard, New York.
Edward R. M'Call	do	do	South Carolina	South Carolina	South Carolina	Navy yard, Pensacola.
Daniel Turner	do	do	Rhode Island	Rhode Island	Rhode Island	Rendezvous, Boston.
David Conner	Jan. 16, 1809	do	Pennsylvania	Pennsylvania	Pennsylvania	Rendezvous, Philadelphia.
John Gallagher, sailingmaster	do	do	do	Maryland	Maryland	Navy yard, Gosport.
Thomas H. Stevens	Feb. 8, 1808	do	South Carolina	South Carolina	Connecticut	Navy yard, Boston.
William M. Hunter	Jan. 16, 1809	March 21, 1826	Pennsylvania	Pennsylvania	Pennsylvania	Receiving ship, Philadelphia.
John D. Sloat*	Feb. 12, 1800	do	New York	New York	New York	Waiting orders.
Matthew C. Perry	March 1, 1809	do	Rhode Island	Rhode Island	do	North Carolina 74.
Masters commandant—29.						

LIEUTENANTS.

James P. Oellers, sailingmaster	Feb. 28, 1809	July 24, 1813	Pennsylvania	Pennsylvania	Pennsylvania	Not on duty.
Charles W. Skinner, midshipman	Jan. 16, 1809	do	Maine	do	Virginia	Rendezvous, Norfolk.
Samuel W. Adams	Jan. 1, 1808	do	New Hampshire	New Hampshire	New Hampshire	Receiving ship, New York.
Frederick W. Smith	do	do	New Jersey	New Jersey	New Jersey	Waiting orders.
Otho Norris	Jan. 16, 1809	do	Maryland	Maryland	Maryland	Commanding schooner Shark.
John T. Newton	do	do	Virginia	Virginia	New York	Navy yard, Philadelphia.

* Left out May 21, 1801. Re-appointed a sailingmaster January 10, 1812.

Naval register for 1827—LIEUTENANTS—Continued.

Names.	Original entry into the service.	Date of present commission.	Where born.	State from which appointed.	State of which a citizen.	Duty or station.
Joseph Smith	Jan. 16, 1809	July 24, 1813	Massachusetts	Massachusetts	Maine	Leave of absence.
Lawrence Rousseau	do	do	Louisiana	Louisiana	Louisiana	Dolphin.
George W. Storer	do	do	New Hampshire	Maine	New Hampshire	Navy yard, Portsmouth, New Hampshire.
Joseph Cassin	do	do	Pennsylvania	District of Columbia.	Virginia	Pensacola. Sick.
Robert M. Rose	May 18, 1809	do	Virginia	Virginia	do	Navy yard, Gosport.
Beverly Kennon	do	do				Frigate United States.
Edward R. Shubrick	Jan. 16, 1809	Oct. 9, 1813	South Carolina	South Carolina	South Carolina	Navy yard, Pensacola.
1814.						
Charles A. Budd	Nov. 22, 1805	June 18, 1814	Pennsylvania	Pennsylvania	New York	Not on duty.
Francis H. Gregory	Jan. 16, 1809	June 28, 1814	Connecticut	Connecticut	Connecticut	Furlough.
John H. Clack	Nov. 15, 1809	Dec. 9, 1814	Virginia	Virginia	Virginia	Furlough.
Philip F. Voorhees	do	do	New Jersey	New Jersey	New Jersey	North Carolina 74.
Benjamin Cooper	Jan. 16, 1809	do	do	do	New York	Commanding schooner Porpoise.
William L. Gordon	Nov. 15, 1809	do	Virginia	Virginia	Virginia	Leave of absence.
Silas Duncan	do	do	New Jersey	New Jersey	New Jersey	Waiting orders.
James Ramage, sailingmaster	June 1, 1813	do	Ireland	Pennsylvania	Pennsylvania	Waiting orders.
David Geisinger	Nov. 15, 1809	do	Maryland	Maryland	Maryland	Receiving ship, Philadelphia.
Robert F. Stockton	Sept. 1, 1811	do	New Jersey	New Jersey	New Jersey	Surveying.
T. S. Cunningham	Nov. 15, 1809	do	Nova Scotia	Louisiana	Louisiana	Navy yard, Pensacola.
Isaac M'Keever	Feb. 1, 1809	do	Pennsylvania	do	United States	Receiving ship, Baltimore.
John P. Zantzinger	Nov. 15, 1809	do	do	Pennsylvania	Pennsylvania	Cyane.
Charles E. Crowly	Jan. 16, 1809	do	South Carolina	South Carolina	South Carolina	Pensacola. Sick.
William D. Salter	Nov. 15, 1809	do	New York	New Jersey	New Jersey	Macedonian.
Charles S. M'Cauley	Jan. 16, 1809	do	Pennsylvania	Pennsylvania	Pennsylvania	Sloop Boston.
John H. Bell	do	do	North Carolina	North Carolina	North Carolina	Leave of absence.
Thomas M. Newell, sailingmaster	Sept. 11, 1813	do	Georgia	Georgia	Georgia	Leave of absence.
Elie A. F. Valette, sailingmaster	Jan. 25, 1812	do	Virginia	Pennsylvania	Pennsylvania	Constitution.
William A. Spencer	Nov. 15, 1809	do	New York	New York	New York	Leave of absence.
Thomas T. Webb	Jan. 1, 1808	do	Virginia	Virginia	Virginia	John Adams.
John Percival	March 6, 1809	do	Massachusetts	Massachusetts	Massachusetts	Pacific squadron.
John H. Aulick	Nov. 15, 1809	do	Virginia	Maryland	Virginia	Brandywine.
William V. Taylor, sailingmaster	April 28, 1813	do	Rhode Island	Rhode Island	Rhode Island	Navy yard, Charlestown.
Mervine P. Mix, sailingmaster	July 3, 1813	do	Connecticut	New York	Connecticut	Sloop Lexington.
Bladen Dulany	May 18, 1809	do	Virginia	District of Columbia.	Virginia	Waiting orders.
Silas H. Stringham	Nov. 15, 1809	do	New York	New York	New York	Navy yard, New York.
Wm. A. C. Farragut	Jan. 16, 1809	do	Tennessee	Louisiana	Mississippi	Navy yard, Pensacola.
George B. M'Culloh, sailingmaster	July 27, 1813	do	Pennsylvania	Pennsylvania	Pennsylvania	Mediterranean.
Stephen Champlin, sailingmaster	May 22, 1812	do	Rhode Island	Connecticut	Connecticut	Leave of absence.

Navy register for 1827—LIEUTENANTS—Continued.

Names.	Original entry into the service.	Date of present commission.	Where born.	State from which appointed.	State of which a citizen.	Duty or station.
1815.						
Isaac Mayo	Nov. 15, 1809	Feb. 4, 1815	Maryland	Maryland	Maryland	North Carolina 74.
William K. Latimer	do	do	do	do	do	Commanding Grampus.
William Mervine	Jan. 16, 1809	do	Pennsylvania	Pennsylvania	New York	Navy yard, Charlestown.
Thomas Crabb	Nov. 15, 1809	do	Maryland	do	Pennsylvania	Navy yard, Washington.
Edward B. Babbit	do	May 1, 1815	Massachusetts	Massachusetts	Massachusetts	Sloop Boston.
Thomas Paine, jr., sailingmaster	Oct. 10, 1812	Dec. 1, 1815	Rhode Island	South Carolina	Georgia	Furlough.
1816.						
James Armstrong	Nov. 15, 1809	April 27, 1816				Frigate United States.
Joseph Smoot	Dec. 1, 1809	do				Sloop Peacock.
Robert B. Randolph	Aug. 15, 1810	do	Virginia	Virginia	Virginia	North Carolina 74.
Samuel L. Breese	Dec. 17, 1810	do	New York	New York	New York	Waiting orders.
John Evans	do	do	Pennsylvania	Pennsylvania	Pennsylvania	Leave of absence.
Benjamin Page, jr.	do	do	England	New York	New York	Leave of absence.
John T. Ritchie	do	do	Maryland	District of Columbia	District of Columbia	Waiting orders.
John A. Wish	do	do	South Carolina	South Carolina	South Carolina	Receiving ship, Norfolk.
John Gwinn	May 18, 1809	do	Maryland	Maryland	Maryland	Macedonian.
Thomas W. Wyman	Dec. 17, 1810	do	Massachusetts	Massachusetts	Massachusetts	Constitution.
James L. Morris	June 9, 1811	do	New York	New York	New York	Sloop Hornet.
Andrew Fitzhugh	do	do	Virginia	Virginia	Virginia	North Carolina 74.
John K. Carter, sailingmaster	May 9, 1812	do	New York	New York	New York	Receiving ship, New York.
Joseph Cross	June 9, 1811	do	Maryland	Maryland	Maryland	Brandywine.
Abraham S. Ten Eick	Sept. 1, 1811	do	New Jersey	New Jersey	New Jersey	Receiving ship, New York.
Thomas S. Hammersley, sailingmaster	Jan. 14, 1812	do	Virginia	Virginia	Virginia	Waiting orders.
John White, sailingmaster	Dec. 2, 1813	do	Massachusetts	Massachusetts	Massachusetts	Receiving ship, Charlestown.
William M. Robins	May 6, 1812	do	Maryland	New York	Maryland	Receiving ship, Norfolk.
Hiram Paulding	Sept. 1, 1811	do				Frigate United States.
Jonathan D. Williamson	do	do	New Jersey	New Jersey	New Jersey	North Carolina 74.
1817.						
Uriah P Levy, sailingmaster	March 21, 1812	March 5, 1817	Pennsylvania	Pennsylvania	Pennsylvania	Cyane.
Enoch H. Johns	Jan. 16, 1809	do	Maryland	Maryland	Maryland	Receiving ship, Norfolk.
Charles Boarman	June 9, 1811	do	do	District of Columbia	Virginia	Waiting orders.
French Forrest	do	do	do	do	District of Columbia	Waiting orders.
Edgar Freeman	do	do	New Jersey	New Jersey	New Jersey	Receiving ship, New York.
William E. McKenney	do	do	New York	New York	New York	Sloop Ontario.
William J. Belt	Sept. 1, 1811	do	Maryland	Maryland	Maryland	Leave of absence.
Charles H. Caldwell	do	do	England	Massachusetts	Connecticut	Constellation.
William Jamesson	do	do	Virginia	District of Columbia	Virginia	Waiting orders.
William Boerum	do	do	New York	New York	New York	Macedonian.
Charles L. Williamson	do	do	New Jersey	New Jersey	New Jersey	Leave of absence.

Naval register for 1827—LIEUTENANTS—Continued.

Names.	Original entry into the service.	Date of present commission.	Where born	State from which appointed.	State of which a citizen.	Duty or station.
Charles Gauntt	Sept. 1, 1811	March 5, 1817	New Jersey	New Jersey	Pennsylvania	Sloop Warren.
William W. Ramsay	do	do	Virginia	Virginia	District of Columbia.	Pacific squadron.
Ralph Voorhees	do	do	New Jersey	New Jersey	New Jersey	Leave of absence.
Henry Henry, sailingmaster	July 1, 1812	do	Maryland	Virginia	Pennsylvania	Waiting orders.
Samuel W. Downing	Sept. 1, 1811	do	New Jersey	New Jersey	New Jersey	Waiting orders.
William Pottenger	do	do	Maryland	Maryland	New York	Waiting orders.
Henry W. Ogden	do	do	New Jersey	Pennsylvania	New Jersey	Sloop Vincennes.
Alexander Eskridge	Jan. 1, 1812	do	Virginia	Virginia	Virginia	Leave of absence.
Ebenezer Ridgeway	do	do	Massachusetts	New Hampshire	New Hampshire	Leave of absence.
Thomas A. Conover	do	do	New Jersey	New Jersey	New Jersey	Waiting orders.
Archibald S. Campbell	do	do	Virginia	Virginia	Virginia	Pensacola.
William Taylor	do	do	do	do	do	North Carolina.
John C. Long	June 18, 1812	do	.....	.....	.....	Sloop Peacock.
John H. Graham	do	do	Vermont	New York	New York	Rendezvous, New York.
John H. Lee	do	do	Virginia	Virginia	Virginia	Rendezvous, Norfolk.
1818.						
James M. McIntosh	Sept. 1, 1811	April 1, 1818	Georgia	Georgia	Georgia	Leave of absence.
Josiah Tatnall	Jan. 1, 1812	do	do	do	do	Leave of absence.
William T. Temple	Sept. 1, 1811	do	Virginia	Virginia	.....	Receiving ship, Baltimore.
George McCauley	do	do	Pennsylvania	District of Columbia.	Pennsylvania	Leave of absence.
Hugh N. Page	do	do	Virginia	Virginia	Virginia	Sloop Peacock.
John A. Cook	Jan. 1, 1812	do	District of Columbia.	District of Columbia.	District of Columbia.	Schooner Porpoise.
William Inman	do	do	New York	New York	New Jersey	Leave of absence.
Joel Abbot	June 18, 1812	do	Massachusetts	Massachusetts	Rhode Island	Sloop Warren.
Lewis E. Simonds	Jan. 1, 1812	do	.....	.....	.....	Frigate United States.
John M. Dale	June 18, 1812	do	Pennsylvania	Pennsylvania	Pennsylvania	Waiting orders.
H. H. Cocke	do	do	Virginia	Virginia	Virginia	Waiting orders.
William J. McCluney	Jan. 1, 1812	do	Pennsylvania	Pennsylvania	Pennsylvania	Constellation.
E. D. Whitlock	do	do	New Jersey	New Jersey	New Jersey	Suspended.
James Goodrum	June 18, 1812	do	Virginia	Virginia	Virginia	Waiting orders.
J. B. Montgomery	June 4, 1812	do	New Jersey	New York	New Jersey	Leave of absence.
Horace B. Sawyer	Jan. 1, 1812	do	Vermont	Vermont	Vermont	Sloop Warren.
C. K. Stribling	June 18, 1812	do	South Carolina	South Carolina	Virginia	Brandywine.
James E. Legare	do	do	do	do	South Carolina	John Adams.
Joshua R. Sands	do	do	New York	New York	New York	New York station.
Allen Griffin	Jan. 1, 1812	do	Maryland	Maryland	Maryland	North Carolina 74.
1820.						
John J. Young	Jan. 1, 1812	March 28, 1820	New York	New York	New York	Leave of absence.
Charles H. Bell	June 18, 1812	do	do	do	do	Waiting orders.
Abraham Bigelow	do	do	Massachusetts	Massachusetts	Massachusetts	Macedonian.

Naval register for 1827—LIEUTENANTS—Continued.

Names.	Original entry into the service.	Date of present commission.	Where born.	State from which appointed.	State of which a citizen.	Duty or station.
Henry C. Newton	June 18, 1812	March 28, 1820	Virginia	District of Columbia.	District of Columbia.	Schooner Dolphin.
Frank Ellery	Jan. 1, 1812	do	Rhode Island	Rhode Island	Rhode Island	Cyane.
Frederick Varnum	June 18, 1812	do	Massachusetts	Massachusetts	Massachusetts	Sloop Vincennes.
Joseph R. Jarvis	do	do	do	Maine	Maine	Frigate Constellation.
Thomas W. Freelon	do	do	New York	New York	Vermont	Waiting orders.
Pardon M. Whipple	do	do	do	Rhode Island		Waiting orders.
James Williams	Sept. 1, 1811	do				Frigate United States.
Samuel W. Le Compte	June 4, 1812	do	Maryland	Maryland	Maryland	Leave of absence.
Charles T. Platt	June 18, 1812	do	New York	New York	New York	Leave of absence.
1821.						
Wm. M. Armstrong	Nov. 30, 1814	March 3, 1821	Kentucky	Mississippi	Kentucky	Constitution.
Wm. F. Shields	Feb. 2, 1814	do	Georgia	Louisiana	Georgia	Mediterranean.
G. J. Pendergrast	Jan. 1, 1812	do	Kentucky	Kentucky	Kentucky	Sloop Lexington.
Wm. C. Nicholson	June 18, 1812	do				Frigate United States.
1822.						
James B. Cooper, sailingmaster	July 9, 1812	April 22, 1822	New Jersey	New Jersey	New Jersey	Navy yard, Philadelphia.
1825.						
Daniel H. Mackey	April 16, 1813	Jan. 13, 1825	Pennsylvania	Pennsylvania	Pennsylvania	North Carolina 74.
E. W. Carpender	July 10, 1813	do	New York	New York	New York	Mediterranean.
John L. Saunders	Nov. 15, 1809	do	Virginia	Virginia	Virginia	Leave of absence.
Joseph B. Hull, jr	Nov. 9, 1813	do	New York	Connecticut	Connecticut	Constellation.
Jott Stone Paine	do	do	Maine	Maine	Maine	Leave of absence.
John E. Prentiss	do	do	Massachusetts	Massachusetts	Massachusetts	Rendezvous, Boston.
John M. Sullivan	March 1, 1813	do	New York	New York	New York	Sloop Vincennes.
Joseph Morehead	Nov. 9, 1813	do	Maryland	Ohio	Ohio	Receiving ship, Philadelphia.
Samuel B. Phelps	May 20, 1813	do	Connecticut	New York	New York	Cyane.
William T. Rodgers	Nov. 9, 1813	do	New York	do	New Jersey	Furlough.
Thomas Pettigru	Jan. 1, 1812	do	South Carolina	South Carolina	South Carolina	Waiting orders.
Augustus Cutts, jr	Nov. 9, 1813	do	Maine	Maine	Maine	Cyane.
John S. Chauncey	Jan. 1, 1812	do	New York	New York	New York	Leave of absence.
Irvine Shubrick	May 12, 1814	do	South Carolina	South Carolina	Delaware	Waiting orders.
Charles Ellery	March 8, 1814	do	Rhode Island	Rhode Island	Rhode Island	Sloop Boston.
Thomas R. Gerry	Dec. 6, 1814	do	Massachusetts	Massachusetts	Massachusetts	Leave of absence.
John Kelly	Feb. 1, 1814	do	Pennsylvania	Pennsylvania	Pennsylvania	Waiting orders.
Hugh Dulany	Nov. 30, 1814	do	South Carolina	South Carolina	do	Waiting orders.
Edmund Byrne	Feb. 1, 1814	do	Pennsylvania	Pennsylvania	do	Waiting orders.
Edward S. Johnson	Nov. 30, 1814	do	Rhode Island	Rhode Island	Rhode Island	Leave of absence.
William H. Gardner	Dec. 6, 1814	do	Maryland	Maryland	Virginia	Rendezvous, Baltimore.
David G. Farragut	Dec. 17, 1810	do	Tennessee.	Tennessee	Tennessee	Receiving ship, Norfolk.
Richard S. Pinckney	August 3, 1814	do	South Carolina	South Carolina	South Carolina	Leave of absence.

Naval register for 1827—LIEUTENANTS—Continued.

Names.	Original entry into the service.	Date of present commission.	Where born.	State from which appointed.	State of which a citizen.	Duty or station.
Stephen B. Wilson	Jan. 1, 1812	Jan. 13, 1825	New York	New York	New York	West India squadron.
Edward C. Rutledge	Nov. 30, 1814	do	South Carolina	South Carolina	South Carolina	Cyane.
William S. Harris	do	do	Kentucky	Kentucky	Kentucky	Waiting orders.
Thomas Dornin	May 2, 1815	do	Ireland	Maryland	Maryland	Brandywine.
John P. Tuttle	Nov. 30, 1814	do	Connecticut	Connecticut	Connecticut	John Adams.
Robert B. Cunningham	do	do	Virginia	Virginia	Virginia	Brandywine.
James Glynn	March 4, 1815	do	Pennsylvania	do	Connecticut	Waiting orders.
Joseph Myers	Dec. 6, 1814	do	North Carolina	do	North Carolina	Mediterranean.
William C. Wetmore	June 18, 1812	do	New York	New York	New York	Leave of absence.
William B. Nicholson	March 17, 1814	do	Maryland	Maryland	Maryland	Leave of absence.
Thomas R. Gedney	March 4, 1815	do	South Carolina	South Carolina	South Carolina	North Carolina 74.
John Bubier	Nov. 9, 1813	do	Massachusetts	Massachusetts	Massachusetts	Leave of absence.
Victor M. Randolph	June 11, 1814	do	Virginia	Virginia	Virginia	Waiting orders.
Joseph Cutts, jr	Dec. 6, 1814	do	Maine	Maine	Maine	Leave of absence.
Jacob Crowninshield	March 11, 1815	do	Massachusetts	Massachusetts	Massachusetts	Leave of absence.
Frederick Engle	Dec. 6, 1814	do	Pennsylvania	Pennsylvania	Pennsylvania	Brandywine.
A. J. D. Browne	Dec. 17, 1810	do	Connecticut	Connecticut	Massachusetts	Sloop Boston.
Jesse Smith	March 11, 1815	do	Massachusetts	Massachusetts	do	Waiting orders.
John H. Smith	Jan. 1, 1815	do	New York	New York	New York	Furlough.
Francis Sanderson	Feb. 3, 1815	do	Maryland	Maryland	Maryland	Navy yard, New York.
John Rudd	Nov. 30, 1814	do	Rhode Island	Virginia	Virginia	Brandywine.
Russell Baldwin	May 17, 1813	do	Massachusetts	New York	New York	Furlough.
Jonathan W. Sherburne	Nov. 30, 1814	do	New Hampshire	New Hampshire	New Hampshire	Surveying.
Robert Ritchie	Feb. 1, 1814	do	Pennsylvania	Pennsylvania	Pennsylvania	Grampus.
David R. Stewart	do	do	Maryland	Maryland	Maryland	Shark.
William W. M'Kean	Nov. 30, 1814	do	Pennsylvania	Pennsylvania	Pennsylvania	Rendezvous, Philadelphia.
Benjamin Tallmadge, jr	Jan. 24, 1815	do	Connecticut	Connecticut	Connecticut	Constitution.
Franklin Buchanan	Jan. 28, 1815	do	Maryland	Pennsylvania	Pennsylvania	Furlough.
Hubbard H. Hobbs	March 4, 1815	do	Virginia	Virginia	Alabama	Waiting orders.
Samuel Mercer	do	do	Maryland	Maryland	Maryland	Waiting orders.
Charles Lowndes	March 18, 1815	do	do	do	Virginia	Waiting orders.
L. M. Goldsborough	June 18, 1812	do	District of Columbia	District of Columbia	Maryland	Mediterranean.
George N. Hollins	Feb. 1, 1814	do	Maryland	Maryland	do	Grampus.
D. N. Ingraham	June 18, 1812	do	South Carolina	South Carolina	South Carolina	Sloop Lexington.
John Marston, jr	April 15, 1813	do	Massachusetts	Massachusetts	Massachusetts	Brandywine.
Henry Bruce	Nov. 9, 1813	do	Maine	do	do	Receiving ship at Boston.
William D. Newman	Feb. 1, 1814	do	New York	New York	New York	Leave of absence.
Henry A. Adams	March 14, 1814	do	Pennsylvania	Pennsylvania	Pennsylvania	Leave of absence.
Alexander B. Pinkman	June 17, 1814	do	Massachusetts	Ohio	Massachusetts	John Adams.

Naval register for 1827—LIEUTENANTS—Continued.

Names.	Original entry into the service.	Date of present commission.	Where born.	State from which appointed.	State of which a citizen.	Duty or station.
William H. Homer	Nov. 30, 1814	Jan. 13, 1825				Frigate United States.
James D. Knight	do	do	South Carolina	South Carolina	South Carolina	Furlough.
Joseph Mattison	do	do				Leave of absence.
William S. Walker	do	do	New Hampshire	New Hampshire	Massachusetts	Receiving ship at Boston.
Alexander Slidell	Jan. 1, 1815	do				Mediterranean.
James G. Bougham	Jan. 11, 1815	do	Virginia	Maryland	Virginia	Constellation.
George E. Pearson	March 11, 1815	do	New Hampshire	Massachusetts	Massachusetts	Porpoise.
1826.						
James T. Gerry	Dec. 20, 1815	April 28, 1826	Massachusetts	Massachusetts	Massachusetts	Leave of absence.
John S. Nicholas	June 6, 1815	do	Virginia	Virginia	Virginia	Dolphin.
Samuel F. Dupont	Dec. 19, 1815	do	New Jersey	Delaware	Delaware	North Carolina 74.
William L. Hudson	Jan. 1, 1816	do	New York	New York	New York	Sloop Warren.
William H. Campbell	May 30, 1816	do	Maryland	Maryland	Maryland	West India squadron.
Joseph M. Nicholson	Jan. 1, 1817	do	do	do	do	Waiting orders.
James P. Wilson	do	do	do	do	do	Waiting orders.
George A. Magruder	do	do	Virginia	Virginia	Virginia	Sloop Vincennes.
J. Edward Calhoun	May 30, 1816	do	South Carolina	South Carolina	South Carolina	Macedonian.
John Pope	do	do	Massachusetts	Maine	Maine	Constitution.
Henry D. Scott	do	do	Maryland	Maryland	Maryland	Gosport ordinary.
Levin M. Powell	March 1, 1817	do	Virginia	Virginia	Virginia	Waiting orders.
Charles Wilkes	Jan. 1, 1818	do	New York	New York	New York	Waiting orders.
Elisha Peck	March 4, 1817	do	Connecticut	Connecticut	Connecticut	On leave of absence.
John R. Coxe, jr	July 4, 1817	do	Pennsylvania	Pennsylvania	Pennsylvania	Sloop Hornet.
William Seton	do	do	New York	New York	New York	Sloop Hornet.
John A. Carr	do	do	Maryland	Virginia	Virginia	North Carolina 74.
Alex. H. Hopkinson	Sept. 25, 1817	do	Pennsylvania	Pennsylvania	Pennsylvania	Sloop Lexington.
Thomas J. Manning	Jan. 1, 1817	do	New Jersey	New Jersey	New Jersey	Porpoise.
William Pearson	Jan. 1, 1818	do	do	do	do	Sloop Hornet.
William Foster	Jan. 1, 1817	do	do	do	do	Not on duty.
William L. Howard	Jan. 10, 1815	do	do	New York	do	Waiting orders.
William P. Piercy	March 15, 1815	do	Pennsylvania	District of Columbia	District of Columbia	Surveying.
Richard A. Jones	June 18, 1812	do	New York	New York	New York	Brandywine.
Arch. R. Bogardus	Jan. 1, 1817	do	do	do	do	Navy yard, New York.
John Swartwout	Nov. 9, 1813	do	do	do	do	Waiting orders.
Thomas J. Leib	Sept. 1, 1811	do	Pennsylvania	Pennsylvania	Pennsylvania	Shark.

Lieutenants, 228

Naval register for 1827—Continued.

SURGEONS.

Names.	Original entry into the service.	Date of present commission.	Where born.	State from which appointed.	State of which a citizen.	Duty or station.
Edward Cutbush, surgeon	June 24, 1799	June 24, 1799	Pennsylvania	Pennsylvania	Pennsylvania	Navy hospital, Washington.
Sam. R. Marshall, surgeon	May 14, 1799	Jan. 16, 1800	Barbadoes	do	do	Navy hospital, New York.
Lewis Heermann	Feb. 8, 1802	Nov. 27, 1804	Germany	Virginia	Louisiana	Leave of absence.
Jonathan Cowdery	Jan. 1, 1800	do	Massachusetts	New York	Virginia	Norfolk station.
Robert L. Thorn	March 3, 1809	March 3, 1809				Constellation.
William P. C. Barton	June 28, 1809	June 28, 1809	Pennsylvania	Pennsylvania	Pennsylvania	Navy yard, Philadelphia.
George Logan, surgeon	April 21, 1810	April 21, 1810	South Carolina	South Carolina	South Carolina	Charleston, South Carolina. Unwell.
Thomas Harris, surgeon	July 6, 1812	July 6, 1812	Pennsylvania	Pennsylvania	Pennsylvania	Navy hospital, Philadelphia.
William Turk, surgeon	July 24, 1813	July 24, 1813	New York	New York	New York	Navy hospital, Boston.
Hyde Ray, surgeon's mate	July 20, 1809	do	Maryland	Maryland	Maryland	Waiting orders.
W. W. Buchanan, surgeon*	October, 1800	Dec. 21, 1812	New Jersey	New York	New York	Receiving ship at New York.
Gerard Dayers		July 24, 1813	Flanders	District of Columbia.	Virginia	Brandywine.
Benjamin P. Kissam, surgeon	July 24, 1813	do	New York	New York	New York	Leave of absence.
John A. Kearny, surgeon's mate	March 3, 1809	do	Ireland	District of Columbia.	District of Columbia.	Navy yard, Boston.
Bailey Washington	May 19, 1810	do	Virginia	Virginia	Virginia	North Carolina 74.
William Swift	May 14, 1813	April 15, 1814	Massachusetts	Massachusetts	Massachusetts	Leave of absence.
Thomas B. Salter	May 19, 1813	May 22, 1815	New Jersey	New Jersey	New Jersey	Navy yard, Pensacola.
Peter Christie	July 8, 1812	April 27, 1816	do	do	Pennsylvania	Leave of absence.
Samuel Jackson	July 10, 1812	March 27, 1818	New York	New York	New York	Leave of absence.
Andrew B. Cooke	Dec. 21, 1812	do	do	do	do	Navy yard, New York.
John H. Gordon	March 9, 1813	do	Pennsylvania	Pennsylvania	Pennsylvania	Rendezvous, Philadelphia.
Leonard Osborne	April 29, 1813	do	England	District of Columbia.	Maryland	Leave of absence.
Thomas Williamson	May 13, 1813	do	Maryland	Maryland	do	Navy yard, Gosport.
George S. Sproston	Nov. 8, 1813	do	do	do	do	Rendezvous, Baltimore.
Elnathan Judson	Aug. 8, 1815	do	Massachusetts	Massachusetts	District of Columbia.	Cyane.
Benajah Ticknor	Dec. 10, 1814	July 10, 1824	Vermont	Connecticut	Connecticut	Macedonian.
Mordecai Morgan	Dec. 28, 1818	do	Pennsylvania	Pennsylvania	Pennsylvania	Marine barracks, Washington.
Thomas J. Boyd	March 28, 1820	do	Delaware	Delaware	Delaware	Sloop Vincennes.
John W. Peaco	May 20, 1814	do	Maryland	Maryland	Pennsylvania	At Mesurado.
William Birchmore	Jan. 10, 1815	do	England	Massachusetts	Maine	Rendezvous, Boston.
James Cornick	Sept. 11, 1819	May 2, 1825	Virginia	Virginia	Virginia	Mediterranean.
Charles Chase	Dec. 10, 1814	May 3, 1825	Maine	Maine	Maine	Navy yard, Portsmouth.
D. S. Edwards	July 30, 1818	May 5, 1825	Connecticut	Connecticut	Connecticut	Sloop Boston.
Isaac Hulse	May 12, 1823	May 6, 1825	New York	New York	Maryland	Pensacola.
A. M. Montgomery	July 16, 1814	May 7, 1825	New Jersey	do	New Jersey	Navy hospital, New York.
John S. Wiley	Dec. 20, 1815	May 9, 1825				Mediterranean.
George Terrill	March 28, 1820	May 22, 1826	Virginia	Virginia	Virginia	Sloop Warren.

* Discharged under peace establishment, August 4, 1801. Reappointed December 21, 1812.

Naval register for 1827—SURGEONS—Continued.

Names.	Original entry into the service.	Date of present commission.	Where born.	State from which appointed.	State of which a citizen.	Duty or station.
John Haslett	June 30, 1823	May 23, 1826	South Carolina	South Carolina	South Carolina	Sloop Lexington.
E. L. Dubarry	do	May 24, 1826	Pennsylvania	Pennsylvania	Pennsylvania	Sloop Hornet.
Henry W. Bassett	Dec. 24, 1822	May 25, 1826	Maryland	Maryland	Maryland	Not on duty.
Surgeons—40.						
SURGEONS' MATES.						
William Belt	Sept. 23, 1811	Sept. 23, 1811				Sloop Peacock.
Benjamin A. Wells	Dec. 10, 1814	Dec. 10, 1814				Sloop Peacock.
T. V. Wiesenthal	do	do	Maryland	Maryland	Maryland	Navy hospital, Gosport.
James R. Boyce	Jan. 31, 1815	April 27, 1816	Virginia	Virginia	Virginia	Sloop Vincennes.
William Williamson	March 28, 1820	March 28, 1820	New Jersey	New York	New York	Gosport ordinary, &c.
Stephen Rapalje	June 36, 1823	May 26, 1824				John Adams.
Benjamin R. Tinslar	Feb. 1, 1823	do				Frigate United States.
Waters Smith	June 5, 1820	do	New York	Florida	Florida	Mediterranean.
Cornelius Moore	May 26, 1824	do	do	New York	New York	Cyane.
Thomas J. Bradner	Dec. 23, 1823	do				Frigate United States.
Benjamin F. Bache	July 9, 1824	July 9, 1824	Virginia	Pennsylvania	New Jersey	Sloop Ontario.
R. P. Macomber	July 13, 1824	July 13, 1824	Rhode Island	Rhode Island	New York	Porpoise.
Augustus A. Adee	July 15, 1824	July 15, 1824	New York	New York	do	Shark.
John R. Chandler	Nov. 14, 1824	Nov. 14, 1824	District of Columbia	District of Columbia	District of Columbia	North Carolina 74.
Thomas Dillard	Nov. 15, 1824	Nov. 15, 1824	Virginia	Virginia	Virginia	Grampus.
Augustin P. Beers	Nov. 16, 1824	Nov. 16, 1824	New York	Connecticut	Connecticut	North Carolina 74.
Richard Kennon	Nov. 17, 1824	Nov. 17, 1824	Virginia	Virginia	Virginia	Navy yard, Boston.
John H. Imlay	Nov. 16, 1824	Nov. 16, 1824	New Jersey	New Jersey	New Jersey	Sloop Boston.
James M. Greene	April 20, 1825	April 20, 1825	Ireland	Pennsylvania	Pennsylvania	John Adams.
Gideon White, jr	May 2, 1825	May 2, 1825	Maryland	Maryland	Maryland	Sloop Warren.
William Plumstead	May 13, 1825	May 13, 1825	Pennsylvania	Pennsylvania	Pennsylvania	Rendezvous, Philadelphia.
George W. Codwise	May 14, 1825	May 14, 1825	West Indies	New York	New York	Navy yard, New York.
John F. Brooke	May 16, 1825	May 16, 1825	Virginia	Pennsylvania	Virginia	Constitution.
Charles Wayne	Aug. 29, 1825	Aug. 29, 1825	Pennsylvania	do	Pennsylvania	Constellation.
Henry S. Coulter	May 26, 1826	May 26, 1826	Maryland	Maryland	Maryland	Macedonian.
G. R. B. Horner	do	do	Virginia	Virginia	Virginia	Macedonian.
Robert J. Dood	May 29, 1826	May 29, 1826	Pennsylvania	Pennsylvania	Pennsylvania	Sloop Lexington.
William Seal	June 24, 1826	June 24, 1826	Delaware	do	Delaware	Brandywine.
Samuel G. Clarkson	Aug. 8, 1826	Aug. 8, 1826	Pennsylvania	do	Pennsylvania	Navy hospital, Philadelphia.
Henry C. Pratt	Aug. 9, 1826	Aug. 9, 1826	do	do	do	Pacific.
W. S. W. Ruschenberger	Aug. 10, 1826	Aug. 10, 1826	New Jersey	New Jersey	New Jersey	Pacific.
Samuel B. Malone	Aug. 11, 1826	Aug. 11, 1826	Virginia	Alabama	Alabama	Pacific.
Samuel W. Ruff	Aug. 12, 1826	Aug. 12, 1826	do	Virginia	Virginia	Leave of absence.
William C. McCall	Aug. 14, 1826	Aug. 14, 1826	Pennsylvania	Pennsylvania	Pennsylvania	Pacific.

Naval register for 1827—SURGEONS' MATES—Continued.

Names.	Original entry into the service.	Date of present commission.	Where born.	State from which appointed.	State of which a citizen.	Duty or station.
Mifflin Coulter	Aug. 15, 1826	Aug. 15, 1826	Maryland	Maryland	Maryland	Receiving ship, New York.
William Johnson	Aug. 16, 1826	Aug. 16, 1826	Delaware	Delaware	Delaware	Sloop Hornet.
John Denny	Aug. 17, 1826	Aug. 17, 1826	Maryland	Maryland	Maryland	Navy yard, Washington.
Samuel Mosely	do	do				Mediterranean.
Wm. Fairlie Patton	do	do	Virginia	Virginia	Virginia	Brandywine.
George W. Palmer	Aug. 18, 1826	Aug. 18, 1826				Navy hospital, Boston.
Surgeons' mates—43						
		PURSERS.				
Isaac Garretson	March 9, 1798	April 25, 1812	Pennsylvania	Maryland	Virginia	Baltimore station.
Clement S. Huntt	June 7, 1803	do	Maryland	do	Rhode Island	Navy yard, Philadelphia.
Gwin Harris	April 9, 1804	do	do	District of Columbia.	Maryland	Leave of absence.
John H. Carr	June 28, 1804	do	England	Virginia	New Jersey	Philadelphia station.
Nathaniel Lyde	Dec. 10, 1805	do	Massachusetts	Massachusetts	New Hampshire	Navy yard, Portsmouth, New Hampshire.
Samuel Hambleton	Dec. 6, 1806	do	Maryland	District of Columbia.	Maryland	Navy yard, Pensacola.
John B. Timberlake	Jan. 9, 1809	do	Virginia	Virginia	District of Columbia.	Constitution.
Thomas I. Chew	March 9, 1809	do	Connecticut	Connecticut	New York	New York station.
Thomas Shields	April 14, 1809	do	Delaware	Delaware	Louisiana	Not on duty.
Lewis Deblois	March 22, 1810	do	Massachusetts	District of Columbia.	Massachusetts	Not on duty.
Fras. A. Thornton	Jan. 29, 1811	do	Virginia	Virginia	Virginia	Constellation.
James M. Halsey	March 2, 1811	do	New York	New York	New York	Leave of absence.
Edward Fitzgerald	March 22, 1811	do	Pennsylvania	Pennsylvania	District of Columbia.	Navy yard, Gosport.
Alexander P. Darragh	May 6, 1811	do	Delaware	Delaware	Virginia	Macedonian.
William S. Rogers	Feb. 26, 1813	Feb. 26, 1813	Rhode Island	Rhode Island	Rhode Island	Boston station.
Samuel P. Todd	July 20, 1812	March 1, 1813	Pennsylvania	Pennsylvania	Pennsylvania	North Carolina 74.
George Beale	Jan. 8, 1812	July 24, 1813				Frigate United States.
James H. Clark	July 24, 1813	do	Connecticut	New York	New York	Navy yard, New York.
Joseph Wilson	do	do	Massachusetts	Massachusetts	New Hampshire	Navy yard, Boston.
Joseph B. Wilkinson	March 26, 1814	March 26, 1814	Kentucky	Mississippi	Louisiana	New Orleans.
William Sinclair	do	do	Massachusetts	Georgia	Georgia	Charleston, South Carolina, station.
John N. Todd	March 1, 1815	March 1, 1815	Pennsylvania	Pennsylvania	Pennsylvania	Sloop Lexington.
Timothy Winn*	June 29, 1799	May 17, 1815	Massachusetts	Massachusetts	District of Columbia.	Navy yard, Washington.
William M. Sands	May 20, 1815	May 20, 1815	New York	New York	New York	Sloop, Vincennes.
Joseph H. Terry	June 6, 1815	June 6, 1815	do	do	do	Cyane.
Thomas Breese	July 8, 1815	July 8, 1815,	Rhode Island	Rhode Island	Rhode Island	Waiting orders.
Gardner Thomas	July 12, 1815	July 12, 1815	Massachusetts	Massachusetts	New York	Waiting orders.
John De Bree	Dec. 29, 1817	Dec. 29, 1817	New Jersey	Pennsylvania	Virginia	Receiving ship at Norfolk.
Charles O. Handy	do	do	Rhode Island	Rhode Island	Rhode Island	Waiting orders.
Silas Butler*	July 3, 1799	do	Connecticut	Connecticut	New York	Receiving ship, New York.

* Left out by an act of Congress of March 30, 1812.

Naval register for 1827—PURSERS—Continued.

Names.	Original entry into the service.	Date of present commission.	Where born.	State from which appointed.	State of which a citizen.	Duty or station.
Edward N. Cox*	April 6, 1799	March 28, 1820	Maryland	New York	New York	Brandywine.
Nathaniel H. Perry	March 28, 1820	do	Rhode Island	Rhode Island	Rhode Island	Mediterranean.
John N. Hambleton	Oct. 26, 1819	May 26, 1824	Maryland	Maryland	Maryland	John Adams.
Joseph Watson	Sept. 11, 1821	do	Massachusetts	New York	New York	Sloop Boston.
William M'Murtrie	Nov. 14, 1823	do	Pennsylvania	New Jersey	New Jersey	Sloop Ontario.
Garret R. Barry	Jan. 15, 1824	March 3, 1825	do	Pennsylvania	Pennsylvania	Leave of absence.
William P. Zantzinger	July 24, 1813	do	do	do	do	West Indies.
Daniel M'F. Thornton	Dec. 30, 1824	do	Virginia	Kentucky	Virginia	Leave of absence.
Josiah Colston	May 28, 1825	May 28, 1825	Maryland	District of Columbia.	District of Columbia.	Leave of absence.
Robert Pottenger	Jan. 9, 1809	July 16, 1825	do	Maryland	Maryland	Sloop Hornet.
Dudley Walker, midshipman	March 4, 1819	Aug. 21, 1826	Massachusetts	Massachusetts	Massachusetts	Sloop Peacock.
M'Kean Buchanan	Aug. 21, 1826	do	Maryland	District of Columbia.	Pennsylvania	Dolphin.
Henry Etting, midshipman	Jan. 1, 1818	Nov. 7, 1826	do	Pennsylvania	do	Shark.
Pursers—43.						
CHAPLAINS.						
John Cook	May 19, 1812	May 19, 1812	England	District of Columbia.	New York	Not on duty.
James Brooks	Dec. 28, 1818	Dec. 28, 1818	Virginia	New York	Virginia	Navy yard, New York.
James Everett	do	do	Massachusetts	Massachusetts	Massachusetts	Navy yard, Boston.
Addison Searle	April 27, 1820	April 27, 1820	New Hampshire	New Hampshire	New York	Leave of absence.
Burgess Allison	March 3, 1823	March 3, 1823	New Jersey	New Jersey	New Jersey	Navy yard, Washington.
Cave Jones	June 3, 1823	May 26, 1824	New York	New York	New York	Navy school, New York.
John W. Grier	Oct. 18, 1824	March 3, 1825	Pennsylvania	Pennsylvania	Pennsylvania	Waiting orders.
John Addison	March 3, 1825	do	Maryland	Maryland	Maryland	Waiting orders.
Edward M'Laughlin	April 19, 1826	April 19, 1826	New York	New York	New York	Norfolk.
Chaplains—9.						
MIDSHIPMEN.						
A.						
George Adams	Jan. 1, 1818	Jan. 1, 1818				Grampus.
Henry J. Auchmuty	May 10, 1820	May 10, 1820	Rhode Island	Rhode Island	Rhode Island	Cyane.
Robert W. Alden	May 1, 1822	May 1, 1822	New Hampshire	Pennsylvania	Pennsylvania	Grampus.
Joseph Arnold	March 4, 1823	March 4, 1823	Georgia	Georgia	Georgia	Dolphin.
Chas. M. Armstrong	do	do	New York	New Jersey	New Jersey	Constitution.
Gurden C. Ashton	Dec. 9, 1823	Dec. 9, 1823	Virginia	Virginia	Virginia	Constellation.
Mark T. Anderson	Jan. 1, 1825	Jan. 1, 1825				Pensacola.
William H. Alexander	March 1, 1825	March 1, 1825	Pennsylvania	Pennsylvania	Pennsylvania	Constellation.
Henry Amelung	Feb. 1, 1826	Feb. 1, 1826	Louisiana	Louisiana	Louisiana	West India squadron.

* Entered the service as a midshipman, April 6, 1799.

Naval register for 1827—MIDSHIPMEN—Continued

Names.	Original entry into the service.	Date of present warrant.	Where born.	State from which appointed.	State of which a citizen.	Duty or station.
B.						
Samuel Barron	Jan. 1, 1812	Jan. 1, 1812	Virginia	Virginia	Virginia	Sloop Lexington.
Timothy G. Benham	Nov. 30, 1814	Nov. 30, 1814	Connecticut	Connecticut	Connecticut	Furlough.
Oscar Bullus	Jan. 1, 1817	Jan. 1, 1817	District of Columbia	New York	New York	Waiting orders.
Abra'm J. Bennett	July 4, 1817	July 4, 1817	Delaware	Delaware	Pennsylvania	Surveying.
George S. Blake	Jan. 1, 1818	Jan. 1, 1818	Massachusetts	Massachusetts	Massachusetts	Furlough.
Theodorus Bailey, jr.	do	do	New York	New York	New York	Leave of absence.
Joseph R. Blake	do	do	District of Columbia	District of Columbia	District of Columbia	Sloop Peacock.
T. M'K. Buchanan	Nov. 3, 1818	Nov. 3, 1818	Maryland	Maryland	Maryland	Leave of absence.
Edward B. Boutwell	March 3, 1819	March 3, 1819	Virginia	Virginia	Virginia	Sloop Ontario.
Joseph R. Brown	July 10, 1819	July 10, 1819	Pennsylvania	Pennsylvania	Pennsylvania	Navy yard, New York.
John Q. A. Boyd	Dec. 13, 1819	Dec. 13, 1819	District of Columbia	Virginia	District of Columbia	Leave of absence.
John E. Bispham	do	do	.....	.....	.....	United States.
S. M. Breckenridge	Dec. 15, 1819	Dec. 15, 1819	.....	.....	.....	Furlough.
Edward O. Blanchard	May 10, 1820	May 10, 1820	Virginia	Mississippi	Louisiana	North Carolina 74.
John C. Bunner	May 1, 1822	May 1, 1822	New York	New York	New York	Brandywine.
Patrick F. Bradlee	Sept. 1, 1822	Sept. 1, 1822	.....	.....	.....	Frigate United States.
John L. Ball	Dec. 4, 1822	Dec. 4, 1822	Virginia	Virginia	Virginia	North Carolina 74.
George Briard	March 4, 1823	March 4, 1823	New Hampshire	New Hampshire	New Hampshire	Leave of absence.
Robert L. Browning	do	do	Kentucky	Kentucky	Kentucky	John Adams.
Henry H. Bell	Aug. 4, 1823	Aug. 4, 1823	North Carolina	North Carolina	North Carolina	Mediterranean.
Edward Boyd	Aug. 19, 1823	Aug. 19, 1823	New York	New York	New York	Leave of absence.
Junius I. Boyle	Aug. 27, 1823	Aug. 27, 1823	Maryland	District of Columbia	District of Columbia	Peacock.
John R. Bryan	Oct. 4, 1823	Oct. 4, 1823	.....	.....	.....	Peacock.
Owen Burns	Dec. 1, 1824	Dec. 1, 1824	North Carolina	North Carolina	North Carolina	Constellation.
George M. Bache	Jan. 1, 1825	Jan. 1, 1825	Pennsylvania	Pennsylvania	Pennsylvania	Constitution.
Joshua J. Boyd	do	do	District of Columbia	Michigan	Michigan	Navy yard, New York.
Solomon D. Betton	do	do	Virginia	Georgia	Georgia	Navy yard, New York.
Francis Bartlett	March 1, 1825	March 1, 1825	Massachusetts	Vermont	Massachusetts	Sloop Vincennes.
Simon B. Bissell	do	do	Vermont	New Hampshire	New Hampshire	Sloop Vincennes.
John M. Berrien	do	do	Georgia	Georgia	New Jersey	Constellation.
Thomas W. Brent	do	do	District of Columbia	District of Columbia	District of Columbia	Constitution.
Francis G. Beatty	do	do	do	do	do	Surveying.
James Bradford	June 16, 1825	June 16, 1825	Louisiana	Louisiana	Louisiana	Leave of absence.
Lorenzo T. Bennett	Dec. 7, 1825	Dec. 7, 1825	New York	Connecticut	Connecticut	Sloop Lexington.
William H. Browne	April 1, 1826	April 1, 1826	Virginia	Virginia	Virginia	Receiving ship, Norfolk.
Henry Booraem	Nov. 1, 1826	Nov. 1, 1826	New Jersey	New York	New York	
Agenor Bosque	do	do	.....	.....	.....	
Charles S. Boggs	do	do	New Jersey	New Jersey	New Jersey	
Philip M. Box	do	do	.....	.....	.....	

Naval register for 1827—Midshipmen—Continued.

Names.	Original entry into service.	Date of present warrant.	Where born.	State from which appointed.	State of which a citizen.	Duty or station.
C.						
Joseph S. Cornwell	Jan. 1, 1812	Jan. 1, 1812				Boston.
Joseph S. Cannon	Feb. 26, 1814	Feb. 26, 1814	Delaware	Delaware	Delaware	Receiving ship, Baltimore.
Charles B. Childs	Jan. 28, 1815	Jan. 28, 1815	New York	New York	New York	Furlough.
Samuel B. Cocke	Jan. 1, 1818	Jan. 1, 1818	Virginia	Virginia	Virginia	Leave of absence.
John Cassin	May 10, 1820	May 10, 1820	Pennsylvania	District of Columbia	District of Columbia	Leave of absence.
John Calhoun	Jan. 25, 1821	Jan. 25, 1821				Frigate United States.
Thomas T. Craven	May 1, 1822	May 1, 1822				Peacock.
C. W. Chauncey	do	do	New York	New York	New York	North Carolina 74.
W. C. G. Carrington	Feb. 6, 1823	Feb. 6, 1823	North Carolina	North Carolina	North Carolina	Receiving ship, Norfolk.
Horatio N. Cady	March 4, 1823	March 4, 1823	New Hampshire	New Hampshire	New Hampshire	Leave of absence.
Philander F. Canedy	do	do	Massachusetts	Vermont	Vermont	Cyane.
Walter C. Cutts	do	do				Frigate United States.
Jerome Callan	do	do	Pennsylvania	Indiana	Pennsylvania	Cyane.
Frederick Chatard	Nov. 16, 1824	Nov. 16, 1824	Maryland	Maryland	Maryland	North Carolina 74.
Charles Crillon	Dec. 1, 1824	Dec. 1, 1824	Pennsylvania	Pennsylvania	Pennsylvania	
John B. Cutting, jr.	Jan. 1, 1825	Jan. 1, 1825	Virginia	Virginia	Virginia	Brandywine.
John C. Carter	do	do	do	Kentucky	Kentucky	Sloop Lexington.
Richard S. Coxe	March 1, 1825	March 1, 1825	New York	New Jersey	New Jersey	Porpoise.
John W. Cox, jr.	do	do	Louisiana	Ohio	Ohio	Sloop Lexington.
Daniel Cameron	Jan. 1, 1826	Jan. 1, 1826	Pennsylvania	Pennsylvania	Pennsylvania	Brandywine.
Joseph Cohen	Feb. 1, 1826	Feb. 1, 1826	South Carolina	South Carolina	South Carolina	Sloop Vincennes.
James W. Crenshaw	April 1, 1826	April 1, 1826	Virginia	Alabama	Alabama	Sloop Vincennes.
Daniel Carter	Aug. 1, 1826	Aug. 1, 1826	Ohio	Ohio	Ohio	Navy yard, Philadelphia.
William Chandler	do	do	District of Columbia	District of Columbia	District of Columbia	Brandywine.
Robert A. Cassin	Nov. 1, 1826	Nov. 1, 1826	Pennsylvania	Louisiana	do	
William C. Chaplin	do	do	do	Pennsylvania	Pennsylvania	
D.						
Albert E. Downes	Jan. 1, 1818	Jan. 1, 1818				Frigate United States.
Fitz Allen Deas	July 4, 1821	July 4, 1821	New York	South Carolina	South Carolina	Macedonian.
Nathaniel W. Duke	May 1, 1822	May 1, 1822	Kentucky	Kentucky	Kentucky	Leave of absence.
Thomas Dimmock	March 4, 1823	March 4, 1823	Massachusetts	Massachusetts	Massachusetts	Furlough.
John A. Davis	do	do	North Carolina	Tennessee	Louisiana	New York station.
Charles H. Davis	Aug. 12, 1823	Aug. 12, 1823				Frigate United States.
Charles H. Duryee	Aug. 19, 1823	Aug. 19, 1823	New York	New York	New York	Mediterranean.
Ezra T. Doughty	May 3, 1824	May 3, 1824	do	do	do	Constitution.
Joseph O. Devezin	Oct. 16, 1824	Oct. 16, 1824	Louisiana	Louisiana	Louisiana	Constellation.
James F. Duncan	Nov. 12, 1825	Nov. 12, 1825	Pennsylvania	Pennsylvania	Pennsylvania	Cyane.
John C. Davidson	Nov. 22, 1825	Nov. 22, 1825	District of Columbia	District of Columbia	District of Columbia	Cyane.

Naval register for 1827—MIDSHIPMEN—Continued.

Names.	Original entry into the service.	Date of present warrant.	Where born.	State from which appointed.	State of which a citizen.	Duty or station.
John A. Dahlgren	Feb. 1, 1826....	Feb. 1, 1826....	Pennsylvania	Pennsylvania	Pennsylvania	Macedonian.
Henry D'Arcantal	April 1, 1826....	April 1, 1826....	Louisiana	Louisiana	Louisiana	West India squadron.
Benjamin M. Dove	Dec. 1, 1826....	Dec. 1, 1826....	Virginia	Virginia	District of Columbia.	Sloop Warren.
E.						
Henry Eagle, jr.	Jan. 1, 1818....	Jan. 1, 1818....	New York.....	New York.....	New York.....	Waiting orders.
Francis B. Ellison	May 28, 1819....	May 28, 1819....	do	do	do	Porpoise.
William B. Everett	Feb. 1, 1823....	Feb. 1, 1823....	Maryland	Maryland	Maryland	Leave of absence.
Alexander H. Edwards	March 4, 1823....	March 4, 1823....	Indiana.....	Michigan	Michigan	Constitution.
Thomas O. L. Elwyn	Sept. 19, 1825....	Sept. 19, 1825....	New Hampshire	New Hampshire	New Hampshire	Macedonian.
F.						
Lewis C. F. Fatio	March 8, 1822....	March 8, 1822....	Pennsylvania	Florida	Florida	Leave of absence.
Andrew H. Foot	Dec. 4, 1822....	Dec. 4, 1822....	.....	.....	.....	Peacock.
Ebenezer Farrand	March 4, 1823....	March 4, 1823....	New York.....	New Jersey	New Jersey	Leave of absence.
Archibald B. Fairfax	August 4, 1823....	Aug. 4, 1823....	Virginia	Virginia	Virginia	Norfolk. Sick.
Robert Fitzhugh	Jan. 1, 1824....	Jan. 1, 1825....	Maryland	New York.....	New York.....	Cyane.
Timothy B. Field	March 1, 1825....	March 1, 1825....	Connecticut	Massachusetts	Massachusetts	Sloop Warren.
William C. Farrar	April 1, 1826....	April 1, 1826....	Missouri	Missouri	Missouri	Receiving ship, Philadelphia.
James N. Forsyth	Nov. 1, 1826....	Nov. 1, 1826....	North Carolina	North Carolina	North Carolina	Receiving ship, New York.
John Fisher	do	do	Delaware	Delaware	Delaware	Sloop Hornet.
G.						
William Green	Jan. 1, 1818....	Jan. 1, 1818....	Virginia	Virginia	Virginia	John Adams.
Alexander G. Gordon	do	do	District of Columbia.	District of Columbia.	do	Waiting orders.
William M. Glendy	do	do	Virginia	Maryland	do	Sloop Boston.
Charles W. Gay	Oct. 27, 1818....	Oct. 27, 1818....	Massachusetts	Massachusetts	Massachusetts	Leave of absence.
John Graham	Feb. 27, 1819....	Feb. 27, 1819....	Kentucky.....	Kentucky	Kentucky.....	North Carolina 74.
Sylvanus Godon	March 4, 1819....	March 4, 1819....	Pennsylvania	Pennsylvania	Pennsylvania	Macedonian.
Farnifold Green	May 1, 1822....	May 1, 1822....	North Carolina	North Carolina	North Carolina	Sloop Warren.
Alexander Gibson	July 4, 1822....	July 4, 1822....	Virginia	Virginia	Virginia	Constellation.
John J. Glasson	Feb. 1, 1823....	Feb. 1, 1823....	New York.....	New York.....	New York.....	North Carolina 74.
Guert Gansevoort	March 4, 1823....	March 4, 1823....	do	do	do	Constitution.
Israel S. Griffin	do	do	Maryland	Maryland	Maryland	North Carolina 74.
William F. Grymes	do	do	Virginia.	Virginia	Virginia	Sloop Boston.
Helmuth J. Gaedicke	Aug. 19, 1823....	Aug. 19, 1823....	West Indies.....	New Jersey	New Jersey	Porpoise.
James B. Glentworth	do	do	Pennsylvania	Pennsylvania	do	Brandywine.
J. R. Goldsborough	Nov. 16, 1824....	Nov. 16, 1824....	District of Columbia.	District of Columbia.	District of Columbia.	North Carolina 74.
John Graham	Jan. 1, 1825....	Jan. 1, 1825....	Connecticut	Connecticut	Connecticut	Leave of absence.
Archibald M. Green	March 1, 1825....	March 1, 1825....	Virginia	Virginia	Virginia	Leave of absence.
John P. Gillis	Dec. 12, 1825....	Dec. 12, 1825....	Delaware	Illinois	Illinois	Brandywine.
Spencer C. Gist	May 1, 1826....	May 1, 1826....	Tennessee.....	Tennessee.....	Tennessee.....	Shark.

Naval register for 1827—MIDSHIPMEN—Continued.

Names.	Original entry into the service.	Date of present warrant.	Where born.	State from which appointed.	State of which a citizen.	Duty or station.
Charles Green	May 1, 1826	May 1, 1826	Connecticut	Connecticut	Connecticut	Receiving ship at Boston.
John M. Gardner	June 1, 1826	June 1, 1826	Pennsylvania	Maryland	Pennsylvania	Shark.
Oliver S. Glisson	Nov. 1, 1826	Nov. 1, 1826	Ohio	Indiana	Indiana	West India squadron.
Theodore P. Green	do	do	Vermont	Vermont	Vermont	Navy yard, Boston.
George R. Gray	do	do				
Alberto Griffith	do	do	Virginia	Virginia	Virginia	Receiving ship, Baltimore.
Edwin L. Greenwood	Dec. 1, 1826	Dec. 1, 1826				
Samuel T. Gillet	do	do				
H.						
Levi M. Harby	June 18, 1812	June 18, 1812	South Carolina	South Carolina	South Carolina	Navy yard, Gosport.
Stern Humphreys	Jan. 1, 1818	Jan. 1, 1818	New York	New York	New York	Waiting orders.
Andrew A. Harwood	do	do	Pennsylvania	Pennsylvania	Pennsylvania	Constitution.
John Hamilton	July 4, 1818	July 4, 1818	New York	New York	New York	Sloop Boston.
James T. Homans	Dec. 3, 1819	Dec. 3, 1819	Massachusetts	Massachusetts	Massachusetts	Macedonian.
Cary H. Hansford	May 10, 1820	May 10, 1820	Virginia	Virginia	Virginia	Brandywine.
Paul H. Hayne	do	do	South Carolina	South Carolina	South Carolina	Constitution.
Thomas J. Harris	May 1, 1822	May 1, 1822				Peacock.
William W. Hunter	do	do	Pennsylvania	Louisiana	Louisiana	North Carolina 74.
John W. Hunt, jr	do	do	Kentucky	Kentucky	Kentucky	Leave of absence.
Samuel F. Hazard	Jan. 1, 1823	Jan. 1, 1823				Frigate United States.
Edward Hoban	Feb. 1, 1823	Feb. 1, 1823	District of Columbia.	District of Columbia.	District of Columbia.	Brandywine.
Neil M'C. Howison	do	do	Virginia	Virginia	Virginia	Peacock.
Edward H. Hubbard	March 4, 1823	March 4, 1823	Maine	Maine	Maine	Navy yard, Pensacola.
John E. Holt, jr	do	do	Virginia	Virginia	Virginia	Leave of absence.
William C. Homes	Aug. 25, 1823	Aug. 25, 1823				Frigate United States.
William E. Hunt	Oct. 28, 1823	Oct. 28, 1823	New Jersey	New Jersey	New Jersey	Sloop Hornet.
Henry Hoff	do	do	Pennsylvania	South Carolina	South Carolina	Constitution.
Horatio M. Houston	May 12, 1824	May 12, 1824	do	Pennsylvania	Pennsylvania	North Carolina 74.
George M. Hooe	Oct. 21, 1824	Oct. 21, 1824	Virginia	Virginia	Virginia	North Carolina 74.
Charles G. Hunter	Nov. 16, 1824	Nov. 16, 1824	New Jersey	New Jersey	New Jersey	North Carolina 74.
William A. Howard	Jan. 1, 1825	Jan. 1, 1825	Maine	Maine	Maine	Navy yard, Boston.
John S. Hart	do	do	Kentucky	Kentucky	Kentucky	Sloop Boston.
Robert B. Hitchcock	do	do	Connecticut	Connecticut	Connecticut	Shark.
George Hurst	do	do	Pennsylvania	Pennsylvania	Pennsylvania	Cyane.
Mark Hale	March 1, 1825	March 1, 1825	Vermont	Vermont	Vermont	Navy yard, Boston.
Timothy A. Huntt	do	do	Connecticut	Connecticut	Connecticut	Sloop Vincennes.
William F. Hooe	August 1, 1825	Aug. 1, 1825	Virginia	Virginia	Virginia	Sloop Warren.
Robert M. Harrison	Nov. 9, 1825	Nov. 9, 1825	Sweden	do	do	Porpoise.
Robert Handy	Feb. 1, 1826	Feb. 1, 1826	Rhode Island	Rhode Island	Rhode Island	John Adams.

Naval register for 1827—MIDSHIPMEN—Continued.

Names.	Original entry into the service.	Date of present warrant.	Where born.	State from which appointed.	State of which a citizen.	Duty or station.
John Harker	March 1, 1826....	March 1, 1826....	North Carolina.	North Carolina	North Carolina	Dolphin.
George N. Hawkins	do	do	Kentucky	Kentucky	Kentucky.....	Dolphin.
Crawford W. Hall	June 1, 1826....	June 1, 1826....	do	do	do	West India squadron.
Francis Huger	do	do	South Carolina	South Carolina	South Carolina	
Edward L. Handy	do	do	Maryland.....	Maryland.....	Maryland	Navy yard, Philadelphia.
Lewis P. Higbee	Nov. 1, 1826....	Nov. 1, 1826....	New Jersey	New Jersey	New Jersey.....	Hornet.
Charles Heywood	do	do	Maine.....	Maine.....	Maine.....	Receiving ship, New York.
I.						
George Izard, jr.	Jan. 1, 1818....	Jan. 1, 1818....	Pennsylvania.....	Pennsylvania.....	Pennsylvania	Navy yard, Philadelphia.
Jonathan Ingersoll	March 4, 1823....	March 4, 1823....	Connecticut	Connecticut	Connecticut	Constitution.
Harry Ingersoll	Feb. 28, 1824....	Feb. 28, 1824....	Pennsylvania	Pennsylvania.....	Pennsylvania.....	Brandywine.
William F. Irving	Jan. 1, 1825....	Jan. 1, 1825....	New York.....	New York	New York	Brandywine.
Andrew M. Irwin	March 1, 1825....	March 1, 1825....	Pennsylvania.....	Pennsylvania	Pennsylvania.....	Brandywine.
Edgar Irving	Nov. 1, 1826....	Nov. 1, 1826....	New York.....	New York	New York.....	
J.						
Joshua H. Justin	Nov. 30, 1814....	Nov. 30. 1814....	Rhode Island.....	Rhode Island.....	Rhode Island	Sloop Warren.
Robert W. Jones	Jan. 1, 1818....	Jan. 1, 1818....	New York.....	New York.....	New York.....	New York station.
Zachariah F. Johnston	do	do	Maryland	Maryland.....	Maryland	Waiting orders.
Charles H. Jackson	March 4, 1818....	March 4, 1818....	Georgia.....	Georgia.....	Georgia.....	Surveying.
Kinsey Johns	Jan. 1, 1823....	Jan. 1, 1823....	Maryland	Maryland.....	Maryland	Brandywine.
Robert Jones	March 4, 1823....	March 4, 1823....	Louisiana	Louisiana.....	Louisiana	Sloop Ontario.
John T. Jenkins	do	do	New York.....	New York.....	New York.....	Constitution.
Stephen Johnston	June 28, 1823....	June 28, 1823....	Indiana.....	Ohio	Ohio..	Constellation.
Joseph W. Jarvis	Jan. 1, 1825....	Jan. 1, 1825....	Connecticut	North Carolina	North Carolina	Sloop Hornet.
William J. Jenkins	March 1, 1825....	March 1, 1825....	Pennsylvania	Pennsylvania.....	Pennsylvania	Cyane.
James W. M. Jenkins	August 1, 1826....	August 1, 1826....	Georgia.....	Georgia.....	Georgia.....	Receiving ship, Norfolk.
Joseph Johnson	Nov. 1, 1826....	Nov. 1, 1826....	.....	.....	.....	
K.						
William H. Kennon	Jan. 1, 1817....	Jan. 1, 1817....	.....	.....	.....	Frigate United States.
C. H. A. H. Kennedy	Feb. 10, 1819....	Feb. 10, 1819....	Virginia	Virginia	Virginia	North Carolina 74.
Augustus H. Kilty	July 4, 1821....	July 4, 1821....	.....	.....	.....	Constellation.
Francis S. Key	May 15, 1823....	May 15, 1823....	District Columbia...	District of Columbia.	District of Columbia.	Sloop Warren.
Lewis G. Keith	July 1, 1825....	July 1, 1825....	Virginia	Virginia	Virginia	Porpoise.
L.						
Arthur Lewis	Jan. 1, 1817....	Jan. 1, 1817....	.....	.....	.....	Peacock.
Andrew K. Long	Jan. 1, 1818....	Jan. 1, 1818....	Maryland	Maryland	Maryland	Waiting orders.
John H. Little	do	do	do	do	do	Brandywine.
William F. Lynch	Jan. 26, 1819....	Jan. 26, 1819....	Virginia	Virginia	Virginia	Sloop Warren.
James L. Lardner	May 10, 1820....	May 10, 1820....	Pennsylvania.....	Pennsylvania.....	Pennsylvania.....	Brandywine.

Naval register for 1827—MIDSHIPMEN—Continued.

Names.	Original entry into the service.	Date of present warrant.	Where born.	State from which appointed.	State of which a citizen.	Duty or station.
Samuel Lockwood	July 12, 1820	July 12, 1820	Connecticut	New York	New York	Sloop Warren.
Sidney Smith Lee	Dec. 30, 1820	Dec. 30, 1820	Virginia	Virginia	Virginia	North Carolina 74.
N. C. Lawrence	May 1, 1822	May 1, 1822				Frigate United States.
James B. Lardner	Dec. 4, 1822	Dec. 4, 1822	Pennsylvania	Pennsylvania	Pennsylvania	Constellation.
William B. Line	March 4, 1823	March 4, 1823	North Carolina	North Carolina	North Carolina	Constellation.
Robert J. Livingston	April 15, 1824	April 15, 1824	New York	New York	New York	Sloop Warren.
Joshua W. Larkin	Dec. 1, 1824	Dec. 1, 1824	New Hampshire	New Hampshire	New Hampshire	Sloop Vincennes.
Joseph Lanman	Jan. 1, 1825	Jan. 1, 1825	Connecticut	Connecticut	Connecticut	Macedonian.
Wm. P. Livingston	March 1, 1825	March 1, 1825	New York	New York	New York	Macedonian.
Samuel Phillips Lee	Nov. 22, 1825	Nov. 22, 1825	Virginia	Virginia	Virginia	
Cranstoun Laurie	Nov. 1, 1825	Nov. 1, 1825	District of Columbia	Tennessee	District of Columbia	Surveying.
M.						
H. A. H. Morris	Jan. 1, 1817	Jan. 1, 1817	England	New York	New York	Cyane.
John Marshall	Jan. 1, 1818	Jan. 1, 1818	Virginia	Virginia	Virginia	Waiting orders.
Alexander M. Mull	do	do	Ireland	Maryland	Maryland	Waiting orders.
Charles V. Morris	do	do	New York	New York	New York	Leave of absence.
Henry W. Morris	Aug. 21, 1819	Aug. 21, 1819	do	do	do	Leave of absence.
John Manning	May 10, 1820	May 10, 1820				Frigate United States.
Richard D. Millen	do	do	Georgia	Georgia	Georgia	Leave of absence.
Richard R. M'Mullin	do	do	New York	New York	New York	West India squadron.
John W. Mooers	do	do	do	do	do	Cyane.
Richard H. Morris	do	do	Vermont	Vermont	Vermont	Leave of absence.
John H. Marshall	do	do	Virginia	Louisiana	Louisiana	Constitution.
Charles H. M'Blair	March 4, 1823	March 4, 1823				Frigate United States.
William M. A. Moore	Aug. 19, 1823	Aug. 19, 1823				Frigate United States.
Samuel Evans Munn	Aug. 27, 1823	Aug. 27, 1823	Maryland	New York	Maryland	Sloop Ontario.
Albert M'Daniel	do	do				Frigate United States.
Murray Mason	Nov. 14, 1823	Nov. 14, 1823	District of Columbia	District of Columbia	District of Columbia	Sloop Ontario.
John H. Maulsby	April 21, 1824	April 21, 1824	Maryland	Maryland	Maryland	Grampus.
John S. Missroon	June 27, 1824	June 27, 1824	South Carolina	South Carolina	South Carolina	Constellation.
Alexander H. Marbury	July 14, 1824	July 14, 1824	District of Columbia	District of Columbia	District of Columbia	Constellation.
William M'Blair	Nov. 16, 1824	Nov. 16, 1824	Maryland	Maryland	Maryland	North Carolina 74.
Augustus Marrast	Jan. 1, 1825	Jan. 1, 1825	Virginia	Alabama	Alabama	John Adams.
Edwin W. Moore	do	do	District of Columbia	Virginia	Virginia	Hornet.
Matthew F. Maury	Feb. 1, 1825	Feb. 1, 1825	Virginia	Tennessee	do	Brandywine.
John K. Mitchell	do	do	North Carolina	Florida	Florida	Constellation.
Henry Moor	March 1, 1825	March 1, 1825	Maine	Maine	Maine	Sloop Boston.
Henry Kip Mower	do	do	New York	New York	New York	Constitution.
Horatio G. Myers	Nov. 25, 1825	Nov. 25, 1825	South Carolina	South Carolina	South Carolina	Brandywine.

Naval register for 1827—MIDSHIPMEN—Continued.

Names.	Original entry into the service.	Date of present warrant.	Where born.	State from which appointed.	State of which a citizen.	Duty or station.
Ezekiel Mulford	Feb. 1, 1826	Feb. 1, 1826	New York	New York	New York	Navy yard, Portsmouth.
Alexander C. Maury	do	do	Tennessee	Tennessee	Tennessee	Macedonian.
Thomas W. Melvill	do	do	France	Massachusetts	Massachusetts	Dolphin.
James P. M'Kinstry	do	do	New York	Michigan	Michigan	Navy yard, Boston.
James T. M'Donough	April 1, 1826	April 1, 1826	Delaware	Connecticut	Delaware	Sloop Lexington.
Richard W. Meade	do	do	Spain	Pennsylvania	Pennsylvania	Brandywine.
James F. Miller	Nov. 1, 1826	Nov. 1, 1826	New Hampshire	Massachusetts	New Hampshire	Navy yard, Portsmouth.
N.						
Robert H. Nicholls	Sept. 1, 1811	Sept. 1, 1811	New York	New York	New York	Receiving ship at New York.
Frederick A. Neville	May 18, 1820	May 10, 1820	Virginia	Ohio	Ohio	Porpoise.
Lloyd B. Newell	May 10, 1820	do	Georgia	Georgia	Georgia	Surveying.
William H. Noland	Dec. 13, 1823	Dec. 13, 1823	Virginia	Virginia	Arkansas	Sloop Ontario.
James Noble	May 27, 1824	May 27, 1824	Kentucky	Indiana	Indiana	Leave of absence.
Jefferson Nailor	Jan. 1, 1825	Jan. 1, 1825				John Adams.
O.						
William S. Ogden	July 26, 1820	July 26, 1820	New York	New York	New York	Mediterranean.
Gabriel A. O'Brien	Jan. 1, 1825	Jan. 1, 1825	Algiers	Pennsylvania	Pennsylvania	Cyane.
Lewis Ogden	March 1, 1825	March 1, 1825	New York	New York	New York	Brandywine.
P.						
John W. Palmer	Nov. 30, 1814	Nov. 30, 1814	Connecticut	Connecticut	Connecticut	Leave of absence.
Reuben R. Pinkham	Jan. 1, 1818	Jan. 1, 1818	Massachusetts	Ohio	Ohio	Waiting orders.
Hugh Y. Purviance	Nov. 3, 1818	Nov. 3, 1818	Maryland	Maryland	Maryland	North Carolina 74.
Henry Pinkney	do	do	do	do	do	Frigate United States.
Alexander F. Porter	March 19, 1819	March 19, 1819	Delaware	Delaware	Delaware	Shark.
James M. Prevost	Nov. 12, 1819	Nov. 12, 1819	New York	New York	New York	Sloop Vincennes.
Amasa Paine, jr.	May 1, 1822	May 1, 1822	Vermont	Vermont	Vermont	Constitution.
C. W. Pickering	do	do	New Hampshire	New Hampshire	New Hampshire	Furlough.
Law. Pennington	Nov. 22, 1822	Nov. 22, 1822	Pennsylvania	Pennsylvania	Pennsylvania,	Frigate United States.
William D. Porter	Jan. 1, 1823	Jan. 1, 1823	Louisiana	Massachusetts	District Columbia	Constitution.
James S. Palmer	Jan. 1, 1825	Jan. 1, 1825	New Jersey	New Jersey	New Jersey	Sloop Lexington.
Charles H. Poor	March 1, 1825	March 1, 1825	Massachusetts	Massachusetts	District Columbia	John Adams.
George A. Prentiss	do	do	New Hampshire	New Hampshire	New Hampshire	Sloop Lexington.
Richard L. Page	do	do	Virginia	Virginia	Virginia	Mediterranean.
William H. Peter	April 12, 1825	April 12, 1825	District of Columbia	Maryland	Maryland	Frigate United States.
Cicero Price	Feb. 1, 1826	Feb. 1, 1826	Kentucky	Kentucky	Kentucky	Macedonian.
Samuel Penhallow	Nov. 1, 1826	Nov. 1, 1826	New Hampshire	New Hampshire	New Hampshire	Navy yard, Boston.
R.						
Edmund M. Russell	June 18, 1812	June 18, 1812	Massachusetts	Massachusetts	Massachusetts	Frigate United States.
John G. Rodgers	July 4, 1817	July 4, 1817	Maryland	Maryland	Maryland	Constellation.

Naval register for 1827—MIDSHIPMEN—Continued.

Names.	Original entry into the service.	Date of present warrant.	Where born.	State from which appointed.	State of which a citizen.	Duty or station.
John M. Rinker	Jan. 1, 1818	Jan. 1, 1818	Pennsylvania	Louisiana	Pennsylvania	Boston station.
Cadw. Ringgold	March 4, 1819	March 4, 1819	Maryland	Maryland	Maryland	Leave of absence.
Hillary H. Rhodes	May 10, 1820	May 10, 1820	District Columbia	District of Columbia	District of Columbia	Sloop Lexington.
Robert G. Robb	Sept. 6, 1821	Sept. 6, 1821	Virginia	Virginia	Virginia	Constitution.
Daniel L. Randolph	May 1, 1822	May 1, 1822	do	Rhode Island	Rhode Island	North Carolina 74.
Quinton Ratcliffe	Feb. 1, 1823	Feb. 1, 1823	do	Virginia	Virginia	Peacock.
Frederick Rodgers	March 4, 1823	March 4, 1823	Maryland	Maryland	Maryland	North Carolina 74.
William Rowan	do	do	Pennsylvania	Ohio	Ohio	Macedonian.
H. E. V. Robinson	do	do				Leave of absence.
James H. Rowan	Aug. 19, 1823	Aug. 19, 1823	New York	New York	New York	Cyane.
Charles S. Renshaw	Jan. 1, 1825	Jan. 1, 1825	Pennsylvania	Pennsylvania	Pennsylvania	Sloop Vincennes.
John A. Russ	March 1, 1825	March 1, 1825	Maine	Maine	Maine	Not on duty.
William Radford	do	do	Virginia	Missouri	Missouri	Mediterranean.
Charles K. Ruffin	Oct. 24, 1825	Oct. 24, 1825	Ohio	Ohio	Ohio	Dolphin.
Stephen C. Rowan	Feb. 1, 1826	Feb. 1, 1826	Ireland	do	do	Sloop Vincennes.
Robert James Ross	Aug. 1, 1826	Aug. 1, 1826	District Columbia	District of Columbia	District of Columbia	Brandywine.
Charles S. Ridgely	Nov. 1, 1826	Nov. 1, 1826	Maryland	Maryland	Maryland	West India squadron.
William Russell	do	do	North Carolina	North Carolina	North Carolina	Navy yard, Gosport.
S.						
Thomas O. Selfridge	Jan. 1, 1818	Jan. 1, 1818	Massachusetts	Massachusetts	Massachusetts	Leave of absence.
Albert G. Slaughter	Nov. 3, 1818	Nov. 3, 1818	Virginia	Virginia	Virginia	Waiting orders.
Isaac S. Sterett	March 24, 1819	March 24, 1819	Maryland	Maryland	Maryland	North Carolina 74.
Thompson D. Shaw	May 10, 1820	May 10, 1820	Pennsylvania	Pennsylvania	Pennsylvania	Macedonian.
Samuel Swartwout	do	do	New York	New York	New York	Macedonian.
Thomas Sands	do	do	Maryland	Maryland	Maryland	Furlough.
Joseph Stallings	do	do	do	do	do	Leave of absence.
Samuel W. Stockton	Dec. 1, 1821	Dec. 1, 1821	New Jersey	New Jersey	New Jersey	Frigate United States.
Sanford A. Street	March 4, 1822	March 4, 1822	New York	New York	New York	Leave of absence.
David M. Stokes	May 1, 1822	May 1, 1822	North Carolina	North Carolina	North Carolina	Sloop Vincennes.
Francis Stone	do	do	New Jersey	New Jersey	New Jersey	Grampus.
Edward Schermerhorn	do	do	New York	New York	New York	Frigate United States.
William J. Slidell	Jan. 1, 1823	Jan. 1, 1823	do	do	do	North Carolina 74.
Philip A. Stockton	Feb. 1, 1823	Feb. 1, 1823	New Jersey	New Jersey	New Jersey	Constitution.
Arthur Sinclair, jr.	March 4, 1823	March 4, 1823	Virginia	Virginia	Virginia	Macedonian.
William Smith	do	do	Kentucky	Kentucky	Kentucky	John Adams.
Grey Skipwith	do	do	Rhode Island	Tennessee	Tennessee	Sloop Vincennes.
Augustus R. Strong	June 20, 1823	June 20, 1823	Missouri	Ohio	Ohio	Frigate United States.
Lloyd L. Spilman	Aug. 19, 1823	Aug. 19, 1823	Virginia	Virginia	Virginia	Peacock.
Jonathan W. Swift	Aug. 25, 1823	Aug. 25, 1823	Massachusetts	North Carolina	New York	Brandywine.

Naval register for 1827—MIDSHIPMEN—Continued.

Names.	Original entry into the service.	Date of present warrant.	Where born.	State from which appointed.	State of which a citizen.	Duty or station.
Cary W. Seldon	Nov. 16, 1824	Nov. 16, 1824	Virginia	Virginia	District of Columbia	North Carolina 74.
James Southard	do	do	New Jersey	New Jersey	New Jersey	North Carolina 74.
James B. Sullivan	Dec. 1, 1824	Dec. 1, 1824	Massachusetts	Massachusetts	New York	
John C. Sharp	Jan. 1, 1825	Jan. 1, 1825	Virginia	Virginia	Virginia	Cyane.
Benjamin S. Slye	March 1, 1825	March 1, 1825	District of Columbia	District of Columbia	District of Columbia	Sloop Lexington.
N. G. C. Slaughter	do	do	Kentucky	Kentucky	Kentucky	Constellation.
James F. Schenck	do	do	Ohio	Ohio	Ohio	Sloop Hornet.
Barret Shepard	Feb. 1, 1826	Feb. 1, 1826	Connecticut	New York	New York	Sloop Lexington.
Melancthon Smith	March 1, 1826	March 1, 1826	New York	do	do	Dolphin.
Raphael Semmes, jr.	April 1, 1826	April 1, 1826	Maryland	Maryland	Maryland	Sloop Lexington.
Israel D. Smith	May 1, 1826	May 1, 1826	Vermont	Vermont	Vermont	Sloop Warren.
John L. Spencer	June 1, 1826	June 1, 1826	New York	New York	New York	Receiving ship, Boston.
Ferdinand Smith	July 1, 1826	July 1, 1826	Pennsylvania	Pennsylvania	Pennsylvania	Hornet.
Henry A. Steele	Nov. 1, 1826	Nov. 1, 1826	Delaware	Delaware	Delaware	
T.						
John Leeds Thomas	Jan. 1, 1818	Jan. 1, 1818	Maryland	Maryland	Maryland	Sloop Ontario.
Elias C. Taylor	Jan. 1, 1819	Jan. 1, 1819	New Jersey	New Jersey	New Jersey	Waiting orders.
Robert D. Thorburn	March 30, 1820	March 30, 1820	Virginia	Virginia	Virginia	North Carolina 74.
Charles C. Turner	May 10, 1820	May 10, 1820	do	do	do	Constitution.
Edward J. Tilton	May 1, 1822	May 1, 1822	Delaware	Delaware	Delaware	Sloop Lexington.
Henry K. Thatcher	March 4, 1823	March 4, 1823	Maine	Maine	Maine	Frigate United States.
Benjamin J. Totten	do	do	West Indies	New York	New York	Mediterranean.
John W. Turk	do	do	New York	do	do	Leave of absence.
Peter Turner	do	do	Rhode Island	Rhode Island	Rhode Island	Cyane.
Charles A. Thompson	Aug. 27, 1823	Aug. 27, 1823	Maryland	Maryland	Maryland	Frigate United States.
Bushrod W. Turner	Oct. 21, 1824	Oct. 21, 1824	Virginia	Virginia	Virginia	North Carolina 74.
Alfred Taylor	Jan. 1, 1825	Jan. 1, 1825	do	do	do	Brandywine.
Paul H. Trapier	do	do	South Carolina	South Carolina	South Carolina	Mediterranean.
Henry Tooley	do	do	Tennessee	Mississippi	Mississippi	John Adams.
George M. Thompson	Feb. 1, 1826	Feb. 1, 1826	Maryland	Maryland	Maryland	Brandywine.
Frederick A. Thompson	April 1, 1826	April 1, 1826	New York	New York	New York	Navy yard, New York.
John A. Turley	May 1, 1826	May 1, 1826	Tennessee	Tennessee	Tennessee	West India squadron.
John R. Tucker	June 1, 1826	June 1, 1826	District of Columbia	Indiana	District of Columbia	
Edward R. Thompson	Dec. 1, 1826	Dec. 1, 1826				
U.						
George P. Upshur	April 23, 1818	April 23, 1818				Sloop Peacock.
V.						
G. J. Van Brunt	Jan. 1, 1818	Jan. 1, 1818	New Jersey	New Jersey	New Jersey	Waiting orders.
H. H. Van Rensselaer	May 10, 1820	May 10, 1820	New York	New York	New York	Leave of absence.

Naval register for 1827—Midshipmen—Continued.

Names.	Original entry into the service.	Date of present warrant.	Where born.	State from which appointed.	State of which a citizen.	Duty or station.
Edward M. Vail	Dec. 1, 1821	Dec. 1, 1821	France	District of Columbia	District of Columbia	Sloop Boston.
Pedro C. Valdes	June 16, 1823	June 16, 1823	Chili	Pennsylvania	Pennsylvania	Frigate United States.
W.						
W. S. J. Washington	Feb. 5, 1812	Feb. 5, 1812	District of Columbia	District of Columbia	District of Columbia	Receiving ship, Norfolk.
Wm. G. Woolsey	Jan. 1, 1817	Jan. 1, 1817	At sea	Maryland	Maryland	Frigate United States.
John W. West	Nov. 3, 1818	Nov. 3, 1818	Pennsylvania	Pennsylvania	Pennsylvania	Waiting orders.
Wm. C. Whittle	May 10, 1820	May 10, 1820	Virginia	Virginia	Virginia	Sloop Hornet.
Hampton Westcott	do	do	District of Columbia	New Jersey	New Jersey	Leave of absence.
George J. Willard	May 1, 1822	May 1, 1822				West India squadron.
James M. Watson	Feb. 1, 1823	Feb. 1, 1823	District of Columbia	District of Columbia	District of Columbia	Peacock.
James H. Ward	March 4, 1823	March 4, 1823	Connecticut	Connecticut	Connecticut	Constitution.
G. G. Williamson	June 2, 1824	June 2, 1824	Virginia	Virginia	Virginia	North Carolina 74.
T. M. Washington	Oct. 21, 1824	Oct. 21, 1824	do	do	do	Leave of absence.
Charles E. Wadsworth	Dec. 1, 1824	Dec. 1, 1824	do	District of Columbia	do	Shark.
D. G. Woodbridge	Jan. 1, 1825	Jan. 1, 1825	Georgia	Massachusetts	Georgia	Sloop Boston.
William J. Wiswell	do	do	New York	New York	New York	Boston station.
Thomas S. Wayne	do	do				
Edward Worthington	March 1, 1825	March 1, 1825	Kentucky	Kentucky	Kentucky	Constellation.
John T. Wallace	do	do	Ohio	Indiana	do	Surveying.
George E. Wingerd	do	do	District of Columbia	District of Columbia	District of Columbia	Receiving ship at New York.
John Weems	do	do	do	do	Maryland	Grampus.
Harry P. T. Wood	do	do	Pennsylvania	Pennsylvania	Pennsylvania	Dolphin.
John William Willis	May 1, 1825	May 1, 1825	Virginia	Virginia	Virginia	Brandywine.
John C. Winans	July 1, 1825	July 1, 1825	Ohio	Ohio	Ohio	Porpoise.
Alexander W. Wilson	Nov. 22, 1825	Nov. 22, 1825	Virginia	Virginia	Virginia	Porpoise.
Wm. W. Whetcroft			Maryland	Maryland	Maryland	Sloop Vincennes.
William Ward	Feb. 1, 1826	Feb. 1, 1826	New York	New York	New York	New York station.
Zeb. P. Wardell	March 1, 1826	March 1, 1826	Indiana	Indiana	Indiana	Receiving ship, Philadelphia.
William A. Wurts	April 1, 1826	April 1, 1826	New Jersey	Kentucky	Kentucky	Brandywine.
Henry H. Watters	June 1, 1826	June 1, 1826	North Carolina	North Carolina	North Carolina	Shark.
John J. White	July 1, 1826	July 1, 1826	Georgia	Georgia	Georgia	Brandywine.
S. A. Washington	Nov. 1, 1826	Nov. 4, 1826	Virginia	Virginia	Virginia	
Y.						
Thomas H. Yeatman	May 1, 1822	May 1, 1822	Ohio	Ohio	Ohio	Not on duty.
John Young	March 4, 1823	March 4, 1823	Pennsylvania	Pennsylvania	Pennsylvania	Navy yard, New York.
Alex. K. Yancey	April 1, 1825	April 1, 1825	Virginia	Virginia	Virginia	John Adams.

Midshipmen—374.

Naval register for 1827—Continued.

SAILINGMASTERS.

Names.	Original entry into the service.	Date of present warrant.	Where born.	State from which appointed.	State of which a citizen.	Duty or station.
William Knight	Oct. 2, 1799	Oct. 2, 1799	Pennsylvania	Pennsylvania	Pennsylvania	Navy yard, Philadelphia.
Edward Barry	Feb. 28, 1809	Feb. 28, 1809	Ireland	do	do	Navy yard, Washington.
Jonathan D. Ferris	do	do	New York	New York	Louisiana	Navy yard, Pensacola.
Salvadore Catelano	Aug. 9, 1809	Aug. 9, 1809	Sicily	District of Columbia	District of Columbia	Navy yard, Washington.
Augustus Ford	March 28, 1810	March 28, 1810	Rhode Island	New York	New York	Sacketts Harbor.
Biscoe S. Doxey	June 24, 1812	June 24, 1812	Maryland	District of Columbia	Maryland	Baltimore station.
A. B. Bloodgood	June 25, 1812	June 25, 1812	New York	New York	New York	New York station.
Robert Knox	July 20, 1812	July 20, 1812	Massachusetts	Massachusetts	Massachusetts	Navy yard, Boston.
James B. Potts	July 24, 1812	July 24, 1812	England	District of Columbia	Virginia	Navy yard, Gosport.
William Vaughan	Aug. 22, 1812	Aug. 22, 1812	Pennsylvania	New York	New York	Leave of absence.
Marmaduke Dove	Aug. 29, 1812	Aug. 29, 1812	Maryland	Maryland	District of Columbia	Sloop Warren.
Cornelius Bennett	Dec. 9, 1812	Dec. 9, 1812	Massachusetts	Rhode Island	Rhode Island	Waiting orders.
Charles F. Waldo	March 10, 1813	March 10, 1813	do	Massachusetts	Massachusetts	Navy yard, Boston.
John Clough	July 3, 1813	July 3, 1813	do	New York	New York	Receiving ship, New York.
F. H. Ellison	do	do	England	do	do	Navy yard, New York.
Francis Mallaby	do	do	New York	do	do	Brandywine.
Nathaniel Stoodly	Aug. 14, 1813	Aug. 14, 1813	New Hampshire	New Hampshire	New Hampshire	Navy yard, Portsmouth, N. H.
William T. Malbone	Aug. 4, 1814	Aug. 4, 1814	Rhode Island	Rhode Island	Rhode Island	Sloop Vincennes.
Samuel C. Hixon	April 30, 1814	April 30, 1814	Massachusetts	Massachusetts	Massachusetts	Macedonian.
D. Stellwagen	May 14, 1814	May 14, 1814	Pennsylvania	Pennsylvania	Pennsylvania	Philadelphia station.
James Ferguson	May 27, 1814	May 27, 1814	New York	New York	Massachusetts	Cyane.
Robert S. Tatem	July 21, 1814	July 21, 1814	Pennsylvania	Pennsylvania	Pennsylvania	Sloop Boston.
Philip S. Meyer	Nov. 18, 1814	Nov. 18, 1814	New York	New York	New York	Furlough.
Joseph Williston, midshipman	June 3, 1799	Nov. 26, 1814	Massachusetts	Massachusetts	Massachusetts	Leave of absence.
William Miller	Jan. 28, 1815	Jan. 28, 1815	Scotland	Pennsylvania	Pennsylvania	Navy yard, Philadelphia.
Nahum Warren	Feb. 6, 1815	Feb. 6, 1815	New Hampshire	District of Columbia	District of Columbia	Navy yard, Pensacola.
Henry Worthington	May 2, 1815	May 2, 1815	Maryland	Maryland	Maryland	Furlough.
John Carlton	July 4, 1815	July 4, 1815	Massachusetts	Massachusetts	Massachusetts	Frigate United States.
A. Cunningham	Nov. 15, 1815	Nov. 15, 1815	South Carolina	Virginia	Virginia	Receiving ship at Norfolk.
John Robinson	Nov. 27, 1815	Nov. 27, 1815	Massachusetts	Massachusetts	Massachusetts	Navy yard, Boston.
James Tewksbury	Dec. 14, 1815	Dec. 14, 1815	do	do	Pennsylvania	Receiving ship, Philadelphia.
Peter Carson	Nov. 1, 1816	Nov. 1, 1816				Philadelphia station.
John Quin	do	do	Pennsylvania	Louisiana	Ohio	Waiting orders.
S. J. Dusenberry, midshipman	July 16, 1819	June 2, 1821	New York	New York	New York	New York station.
N. A. Prentiss, midshipman	June 18, 1812	Jan. 22, 1823	Massachusetts	Massachusetts	Massachusetts	Navy yard, Portsmouth.
Jacob Mull	Feb. 13, 1809	Aug. 5, 1825	Maryland	Maryland	Maryland	Constellation.

Sailingmasters—36.

Naval register for 1827—Continued.

BOATSWAINS.

Names.	Original entry into the service.	Date of present warrant.	Where born.	State from which appointed.	State of which a citizen.	Duty or station.
Edward Linscott	March 29, 1809	March 29, 1809	Massachusetts	District of Columbia	Virginia	Navy yard, Gosport.
David Eaton	August 8, 1811	August 8, 1811	Pennsylvania	do	Pennsylvania	Navy yard, Washington.
Thomas R. Smith	Nov. 5, 1814	Nov. 5, 1814	New Jersey	Massachusetts	New York	New York station.
John Woods	July 8, 1815	July 8, 1815	do	Pennsylvania	Pennsylvania	Leave of absence.
James Banks	July 21, 1817	July 21, 1817	New York	New York	New York	Macedonian.
Eli Dill	June 25, 1818	June 25, 1818	.....	.....	.....	Leave of absence.
James Evans	Jan. 1, 1819	Jan. 1, 1819	Wales	New York	New York	Frigate United States.
William Smith	do	do	....	.....	.....	Cyane.
Simon Jordan	October 9, 1819	Oct. 9, 1819	Maine	New York	North Carolina	Furlough.
John Smith	Dec. 7, 1819	Dec. 7, 1819	Maryland	do	New York	Leave of absence.
James Thayer	April 1, 1822	April 1, 1822	Massachusetts	do	do	Constellation.
David Wesley	June 8, 1822	June 8, 1822	Connecticut	Virginia	Connecticut	John Adams.
John Ball	Oct. 14, 1824	Oct. 14, 1824	New York	New York	Maine	Constitution.
Richard A. Munroe	July 25, 1826	July 25, 1826	do	do	New York	Brandywine.
Edward Ingraham	Nov. 1, 1826	Nov. 1, 1826	Pennsylvania	Pennsylvania	Pennsylvania	Hornet.

Boatswains—15.

GUNNERS.

George Marshall	July 15, 1809	July 15, 1809	Greece	District of Columbia	District of Columbia	North Carolina 74.
George Jackson	Feb. 2, 1810	Feb. 2, 1810	.....	.....	.....	Constellation.
Stephen Jones	May 6, 1813	May 6, 1813	New York	New York	New York	Gosport ordinary.
John Lord	June 17, 1817	June 17, 1817	Massachusetts	Maryland	Massachusetts	Constitution.
John Blight	May 3, 1821	May 3, 1821	New York	New York	New York	Navy yard, New York.
Samuel Hebberd	Jan. 23, 1822	Jan. 23, 1822	Connecticut	Virginia	Virginia	Leave of absence.
Walter Cochran	Jan. 8, 1822	Jan. 8, 1822	.....	.....	.....	Brandywine.
Thomas Stanley	Aug. 16, 1823	Aug. 16, 1823	England	New York	New York	John Adams.
Joseph Andrews	Nov. 24, 1823	Nov. 24, 1823	Massachusetts	Massachusetts	do	Cyane.
Asa Curtis	March 1, 1825	March 1, 1825	do	do	Massachusetts	Navy yard, Boston.
William B. Brown	Dec. 9, 1825	Dec. 9, 1825	Germany	do	do	Sloop Boston.
Daniel Kelly	May 17, 1826	May 17, 1826	New York	Virginia	New York	Macedonian.
John Burns	Nov. 1, 1826	Nov. 1, 1826	Ireland	do	Virginia	Sloop Hornet.
John R. Covington	Acting, ...	.....	Maryland	Maryland	Maryland	Sloop Lexington.

Gunners—14.

CARPENTERS.

Richard Thomas	Jan. 22, 1814	Jan. 22, 1814	Maryland	Virginia	Maryland	Constitution.
Zaccheus R. Fuller	April 12, 1815	April 12, 1815	Massachusetts	Massachusetts	Massachusetts	Boston. Sick.
John Snider	Jan. 1, 1818	Jan. 1, 1818	.....	.....	.....	Navy yard, Pensacola.
Nehemiah Parker	Jan. 27, 1820	Jan. 27, 1820	Massachusetts	Massachusetts	Massachusetts	Navy yard, Boston.

Naval register for 1827—CARPENTERS—Continued.

Names.	Original entry into the service.	Date of present warrant.	Where born.	State from which appointed.	State of which a citizen.	Duty or station.
Samuel Phillips	May 24, 1821	May 24, 1821	New Jersey	New York	New York	Leave of absence.
Thomas Armstrong	June 17, 1822	June 17, 1822	Pennsylvania	District of Columbia.	Virginia	North Carolina 74.
John Fisher	March 20, 1822	March 20, 1823				Leave of absence.
Joseph White	Nov. 29, 1825	Nov. 29, 1825	Virginia	Virginia	Virginia	Constellation.
John A. Dickason	Dec. 13, 1825	Dec. 13, 1825	Massachusetts	Massachusetts	Massachusetts	Sloop Boston.
Caleb Nash	May 1, 1826	May 1, 1826	Virginia	Virginia	Virginia	Macedonian.
John Southwick, acting	Dec. 21, 1826	Dec. 21, 1826				Sloop Warren.
Carpenters—11.						

SAILMAKERS.

Henry Van Voorhees	Aug. 11, 1819	Aug. 11, 1819				Peacock.
Benj. B. Burchstead	April 5, 1821	April 5, 1821	Massachusetts	New York	Massachusetts	Waiting orders.
Isaac Hall	April 1, 1822	April 1, 1822	Maryland	Virginia	Maryland	North Carolina 74.
James R. Childs	June 8, 1822	June 8, 1822	do	Maryland	do	Sloop Hornet.
Nathaniel B. Peed	Oct. 22, 1823	Oct. 22, 1823	Virginia	New York	New York	Frigate United States.
Amos Lewis	Jan. 3, 1825	Jan. 3, 1825				Constellation.
Benjamin Crow	May 5, 1826	May 5, 1826	Virginia.	Virginia	Virginia	Macedonian.
Samuel B. Banister	June 24, 1817	July 17, 1826	Massachusetts	New York	Massachusetts	Brandywine.
Christian Nelson, acting	Dec. 21, 1826	Dec. 21, 1826				Sloop Warren.
Sailmakers—9.						

MARINE CORPS.

Archibald Henderson, lieut. colonel commandant	June 4, 1806	Oct. 17, 1820	Virginia	Virginia	Virginia	Head-quarters.

CAPTAINS.

Names.	Original entry into the service.	Date of lineal rank.	Date of brevet rank.	Where born.	Appointed.	Citizen.	Duty or station.
R. Smith, brevet lieutenant colonel	July 28, 1806	March 13, 1812	March 3, 1825.	Maryland	Maryland	Maryland	Commanding at New York.
R. D. Wainwright, major by brevet (midshipman)	May 9, 1800	Sept. 29, 1812	do	South Carolina	South Carolina	South Carolina	Commanding at Boston.
Wm. Anderson, major by brevet	Feb. 17, 1807	June 18, 1814	do	Pennsylvania	Pennsylvania	Pennsylvania	Commanding at Gosport.
Samuel Miller, major by brevet	June 1, 1808	do	Aug. 24, 1814.	Massachusetts	Massachusetts	Massachusetts	Commanding at Philadelphia.
John M. Gamble, major by brevet (midshipman)	Jan. 16, 1809	do	April 19, 1816.	New Jersey	New Jersey	New Hampshire.	Commanding at Portsmouth.
Samuel E. Watson	July 4, 1812	March 28, 1820		Virginia	Kentucky	Virginia	Navy yard, Washington.
William H. Freeman	July 24, 1813	July 17, 1821		Connecticut	Connecticut	Connecticut	New York.
J. L. Kuhn, paymaster	do	June 28, 1823		Maryland	Maryland	Maryland	Head-quarters.
Charles R. Broom	do	March 7, 1824		Delaware	Delaware	Delaware	North Carolina 74.
Captains—9.							

LIEUTENANTS.

Levi Twiggs, captain by brevet	Nov. 10, 1813	June 18, 1814	March 3, 1825.	Georgia	Georgia	Georgia	Constellation.
John Harris, captain by brevet	April 23, 1814	do	do	Pennsylvania	Pennsylvania	Pennsylvania	Philadelphia.
Thomas A. Linton	Feb. 28, 1815	April 18, 1817					Macedonian.
Richard T. Auchmuty	do	do	Rhode Island	Rhode Island	Rhode Island	Rhode Island	Charlestown, Massachusetts.

Naval register for 1827—LIEUTENANTS—Continued.

Names.	Original entry into the service.	Date of present commission.	Where born.	State from which appointed.	State of which a citizen.	Duty or station.
James Edelin	March 1, 1815	April 18, 1817	Maryland	Marylaad	Maryland	Frigate United States.
P. G. Howle, adjutant and inspector	do	do	Virginia	Virginia	Virginia	Head-quarters.
E. J. Weed, quartermaster	Jan. 16, 1817	March 3, 1819	Pennsylvania	Pennsylvania	Pennsylvania	Head-quarters.
Joseph C. Hall	June 10, 1817	do	Maryland	Maryland	Maryland	Head-quarters.
William W. Dulany	do	June 19, 1819	Virginia	Virginia	Virginia	Constitution.
Thomas S. English	do	Aug. 11, 1819	Massachusetts	Massachusetts	New Hampshire	Portsmouth, New Hampshire.
Thomas B. Barton	do	Oct. 17, 1820	Pennsylvania	Pennsylvania	Pennsylvania	Navy yard, Washington.
George W. Walker	do	March 3, 1821	District of Columbia.	District of Columbia	District of Columbia.	Receiving ship, New York.
Charles Grymes	March 3, 1819	July 20, 1821	Virginia	Virginia	Virginia	Gosport, Virginia.
George D. Brewerton	do	Sept. 17, 1821	New York	New York	New York	Brandywine.
Ward Marston	do	Oct. 30, 1821	Massachusetts	Massachusetts	Massachusetts	Charlestown, Massachusetts.
Charles C. Tupper	do	Jan. 21, 1822	New York	New York	New York	Sloop Vincennes.
A. A. Nicholson	March 28, 1820	May 27, 1822	South Carolina	South Carolina	South Carolina	North Carolina 74.
James M'Cawley	do	Oct. 6, 1822	Pennsylvania	Pennsylvania	Pennsylvania	Philadelphia.
Benjamin Macomber	do	April 2, 1823	.....	.....	.....	New York.
A. N. Breevoorte	do	Sept. 26, 1823	New York	New York	New York	North Carolina 74.
Andrew Ross	March 3, 1821	Oct. 1, 1824	do	Louisiana	do	John Adams.
Wm. A. Bloodgood	do	Dec. 1, 1824	do	New York	do	New York.
Richard Douglas	May 7, 1822	April 26, 1825	Pennsylvania	New Jersey	do	Barrancas.
Job G. Williams	do	Dec. 27, 1825	Massachusetts	New York	Pennsylvania	Cyane.
Lieutenants—24.						
SECOND LIEUTENANTS.						
Charles F. Spering	May 7, 1822	May 7, 1822	Pennsylvania	Pennsylvania	Pennsylvania	Sloop Ontario.
Alvin Edson	do	do	Vermont	Vermont	Vermont	New York.
Horatio N. Crabb	do	do	Pennsylvania	Pennsylvania	Pennsylvania	Philadelphia.
Henry B. Tyler	March 3, 1823	March 3, 1823	Virginia	Virginia	Virginia	Mediterranean.
Joseph L. C. Hardy	do	do	.....	.....	.....	Sloop Boston.
George F. Lindsay	April 1, 1823	April 1, 1823	Virginia	Mississippi	Mississippi	New York.
Wm. A. Randolph	July 30, 1823	July 30, 1823	South Carolina	South Carolina	South Carolina	Gosport, Virginia.
Landon N. Carter	May 26, 1824	May 26, 1824	Virginia	Virginia	Virginia	Portsmouth, New Hampshire.
John G. Reynolds	do	do	New Jersey	New York	New York	Sloop Lexington.
Henry W. Fowler	do	do	New York	Louisiana	Louisiana	Charlestown, Massachusetts.
Francis C. Hall	July 5, 1825	July 5, 1825	Maryland	Maryland	Maryland	Philadelphia.
Constantine Smith	Aug. 27, 1825	Aug. 27, 1825	Ireland	New York	New York	New York.
Francis S. Neville	May 22, 1826	May 22, 1826	Pennsylvania	Ohio	Ohio	
Thomas L. C. Watkins	do	do	Maryland	District of Columbia.	District of Columbia	Charlestown, Massachusetts.
Thomas Lee	Nov. 4, 1826	Nov. 4, 1826	do	Maryland	Maryland	
F. N. Armistead	Nov. 13, 1826	Nov. 13, 1826	Virginia	Virginia	Virginia.	
Second lieutenants—16.						

Naval register for 1827—Continued.

NAVY AGENTS.

Names.	Original entry into the service.	Date of present commission.	Where born.	State from which appointed.	State of which a citizen.	Duty or station.
Enoch G. Parrott	April 21, 1821	April 21, 1821	New Hampshire	New Hampshire	New Hampshire	Portsmouth, N. H.
James K. Paulding	Jan. 8, 1824	Jan. 8, 1824	New York	New York	New York	New York.
George Harrison	Nov. 21, 1799	Nov. 21, 1799	Pennsylvania	Pennsylvania	Pennsylvania	Philadelphia.
James Riddle	July 14, 1812	July 14, 1812	Delaware	Delaware	Delaware	New Castle, Delaware.
James Beatty	May 7, 1810	May 7, 1810	Maryland	Maryland	Maryland	Baltimore.
Miles King	March 27, 1816	March 27, 1816	Virginia	Virginia	Virginia	Norfolk.
William Sinclair	Acting		Massachusetts	Georgia	Georgia	Charleston, S. C.
John P. Henry	March 3, 1819	March 3, 1819	Georgia	do	do	Savannah, Geo.
Nathaniel Cox	Jan. 3, 1825	Jan. 3, 1825	Pennsylvania	Louisiana	Louisiana	New Orleans.
Samuel R. Overton	May 26, 1825	May 26, 1825	Virginia	Florida	Florida	Pensacola.
Richard D. Harris	May 6, 1826	May 6, 1826	Massachusetts	Massachusetts	Massachusetts	Boston.
Michael Hogan			Ireland	New York	New York	Valparaiso.
Richard M'Call			Pennsylvania	Pennsylvania	Pennsylvania	Gibraltar.
Baring, Brothers & Co.						London.

Navy agents—14.

NAVAL STOREKEEPERS.

							Salary.
John P. Decatur	Feb. 20, 1818	Feb. 20, 1818	Pennsylvania	New York	Pennsylvania	Portsmouth, N. H	$1,500
George Bates	Dec. 1, 1818	Dec. 1, 1818	Massachusetts	Massachusetts	Massachusetts	Charlestown, Mass	1,700
Tunis Craven	March 15, 1813	March 15, 1813	New Jersey	New Hampshire	New York	New York	1,700
Robert Kennedy			Pennsylvania	Pennsylvania	Pennsylvania	Philadelphia	1,200
Gabriel Galt	Nov. 14, 1822	Nov. 14, 1822	Virginia	Virginia	Virginia	Norfolk	1,700
Samuel T. Anderson	Feb. 10, 1818	Feb. 10, 1818	Maryland	District of Columbia.	Florida	Pensacola	1,700
Cary Seldon	May 30, 1826	May 30, 1826	Virginia	do	District of Columbia.	Washington	1,700

Naval storekeepers—7.

NAVAL CONSTRCTORS.

							Salary.
Samuel Humphreys, chief naval constructor		Nov. 25, 1826	Pennsylvania	Pennsylvania	Pennsylvania	Washington city	$3,000
John Floyd			Massachusetts	New York	Maine	Portsmouth, N. H	2,000
Josiah Barker			do	Massachusetts	Massachusetts	Charlestown, Mass	2,000
Samuel Hartt			do	do	do	New York	2,000
William Doughty			Pennsylvania	District of Columbia.	District of Columbia.	Washington	2,300
Francis Grice	May 7, 1817	May 7, 1817	New Jersey	Virginia	Virginia	Norfolk	2,000
Charles D. Brodie	Jan. 13, 1826	Jan. 13, 1826	Virginia	do	do	Pensacola	2,000
James Keen	Dec. 12, 1826	Dec. 12, 1826				Philadelphia	2,000

Naval constructors—8.

Naval register for 1827—Continued.

VESSELS OF WAR OF THE UNITED STATES NAVY.

Name.	Rate.	Where built.	When built.	Where employed.
Ships of the line—7.	Guns.			
Independence	74	Boston	1814...	In ordinary, at Boston.
Franklin	74	Philadelphia	1815...	In ordinary, at New York.
Washington	74	Portsmouth, N. H.	1816...	In ordinary, at New York.
Columbus	74	Washington	1819...	In ordinary, at Boston.
Ohio	74	New York	1820...	In ordinary, at New York.
North Carolina	74	Philadelphia	1820...	In the Mediterranean.
Delaware	74	Gosport, Va.	1820...	In ordinary, at Gosport, Virginia.
Frigates, 1st class—6.				
United States	44	Philadelphia	1797...	In the Pacific.
Constitution	44	Boston	1797...	In the Mediterranean.
Guerriere	44	Philadelphia	1814...	In ordinary, at Norfolk.
Java	44	Baltimore	1814...	In ordinary, at Boston.
Potomac	44	Washington	1821...	In ordinary, at Washington.
Brandywine	44	Washington	1825...	In the Pacific.
Frigates, 2d class—4.				
Congress	36	Portsmouth, N. H.	1799...	Repairing at Washington.
Constellation	36	Baltimore	1797...	In the West Indies, &c.
Macedonian	36	Captured	1812...	On the coast of Brazil.
Fulton, steam	30	New York	1815...	Used as a receiving ship at New York.
Corvettes—2.				
John Adams	24	Charleston, S. C.	1799...	In the West Indies, &c.
Cyane	24	Captured	1815...	On the coast of Brazil.
Sloops-of-war—8.				
Hornet	18	Baltimore	1803...	In the West Indies, &c.
Erie	18	Baltimore	1813...	In ordinary, at New York.
Ontario	18	Baltimore	1813...	In the Mediterranean.
Peacock	18	New York	1813...	In the Pacific.
Boston	18	Boston	1825...	On the coast of Brazil.
Lexington	18	New York	1825...	
Vincennes	18	New York	1826...	In the Pacific.
Warren	18	Boston	1826...	In the Mediterranean.
Schooners, &c.—7.				
Dolphin	12	Philadelphia	1821...	In the Pacific.
Grampus	12	Washington	1821...	In the West Indies, &c.
Porpoise	12	Portsmouth, N. H.	1820...	In the Mediterranean.
Shark	12	Washington	1821...	In the West Indies, &c.
Fox	3	Purchased	1823...	Used as a receiving ship at Baltimore.
Alert, store ship		Captured	1812...	Used as a receiving ship at Norfolk.
Sea Gull, galliot		Purchased	1823...	Used as a receiving ship at Philadelphia.

VESSELS OF THE UNITED STATES NAVY.

	In commission.	In ordinary.	Building at—	Ships of the line.	Frigates.	Sloops-of-war.
Ships of the line	1	6	Portsmouth, N. H.	1	1	1
Frigates, 1st class	3	3	Charlestown, Mass	2		1
Frigates, 2d class	2	2	Brooklyn, N. Y.		2	1
Corvettes	2		Philadelphia	1	1	1
Sloops-of-war	7		Washington		1	1
Schooners, &c.	4	3	Gosport	1		1
	19	14		5	5	6

Recapitulation.

Rank.	Number in service.	Pay per month.	Rations pr day.
Captains	31	$100	8
Captains of vessels above twenty and under thirty-two guns	.....	75	6
Masters commandant	29	60	5
Lieutenants commanding	.....	50	4
Lieutenants	228	40	3
Surgeons	40	50	2
Surgeons' mates	40	30	2
Pursers	43	40	2
Chaplains	9	40	2
Midshipmen	374	19	1
Sailingmasters	36	40	2
Boatswains	15	20	2
Gunners	14	20	2
Carpenters	11	20	2
Sailmakers	9	20	2
Schoolmasters	.....	25	2
Captains' clerks	.....	25	1
Masters' mates	.....	20	1
Boatswains' mates	.....	19	1
Carpenters' mates	.....	19	1
Coxswains	.....	18	1
Quartergunners	.....	18	1
Quartermasters	.....	18	1
Masters-at-arms	.....	18	1
Armorers	.....	18	1
Stewards	.....	18	1
Coopers	.....	18	1
Cooks	.....	18	1
Marine corps:			
Lieutenant colonels commandant	1	75	6
Captains	9	40	3
First lieutenants	24	30	3
Second lieutenants	16	25	2

NOTE.—Whenever any officer shall be employed in the command of a squadron on separate service, the allowance of rations shall be double during the continuance of such command, and no longer.

The commandant of the marine corps receives, in addition to his pay, for the forage of three horses, eight dollars per month each. The adjutant, quartermaster, and paymaster, thirty dollars per month extra.

Supplement.

Since the register was put to press, the following midshipmen have been examined and found qualified for promotion, viz:

Theodorus Bailey, jr., Samuel Barron, George S. Blake, Thomas M'K. Buchanan, Samuel B. Cooke, Henry Eagle, jr., Alexander G. Gordon, Stern Humphreys, George Izard, jr., Zach. F. Johnston, Robert W. Jones, Andrew K. Long, John Marshall, A. M. Mull, R. R. Pinkham, T. O. Selfridge, A. G. Slaughter, G. J. Van Brunt, John W. West.

NOTE.—There are several midshipmen of the same date of warrant as the above-named, whose absence from the United States has deprived them of the opportunity of examination at this time.

19TH CONGRESS.] No. 323. [2D SESSION.

ON THE EXPEDIENCY OF AN ANNUAL APPROPRIATION FOR THE GRADUAL INCREASE OF THE NAVY.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 5, 1827.

Mr. STORRS, from the Committee on Naval Affairs, who were instructed by a resolution of the House, on the 19th day of December last, to inquire into the expediency of passing an act to appropriate annually the sum of 500,000 dollars to the gradual increase of the navy, from and after the first day of January, 1827, reported:

That they have considered the subject referred to them by the said resolution, and that it is, in their opinion, expedient to continue the appropriation of that sum annually for the period of six years, for the purpose of completing the ships already authorized to be built, and for providing timber and other materials for the use of the navy, and they have directed a bill for that purpose to be reported to the House.

19TH CONGRESS.] No. 324. [2D SESSION.

ON PAYMENT OF PRIZE MONEY TO THOMAS DOUTY, WHO WAS AN ARTILLERYMAN ON BOARD THE FRIGATE MACEDONIAN IN 1815.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 9, 1827.

Mr. STORRS, from the Committee on Naval Affairs, to whom was referred, by a resolution of the House of the 27th of December last, the expediency of directing the Secretary of the Navy to pay unto Thomas Douty the sum of $19.91, for his share of prize money while engaged as an artilleryman on board the frigate Macedonian, in the year 1815, reported:

That by the papers accompanying the report it appears that the amount of $19.91 is due to the said Thomas Douty for such prize money, and therefore direct a bill for paying the same to be reported to the House.

19TH CONGRESS.] No. 325. [2D SESSION.

EXAMINATION OF SITES FOR THE ESTABLISHMENT OF A DRY DOCK FOR THE NAVY.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 10, 1827.

WASHINGTON, *January* 10, 1827.

To the Senate and House of Representatives of the United States:

I transmit to both Houses of Congress a report from the Secretary of the Navy, together with that of the engineer by whom, conformably to a joint resolution of the two Houses, of the twenty-second of May last, an examination and survey have been made of a site for a dry dock at the Navy yard at Portsmouth, New Hampshire, Charlestown, Massachusetts, Brooklyn, New York, and Gosport, Virginia.

JOHN QUINCY ADAMS.

NAVY DEPARTMENT, *January* 10, 1827.

SIR: I have the honor to transmit two copies of the report of Loammi Baldwin, Esq., made in compliance with the joint resolution of the Senate and House of Representatives, of the 22d May last, "that the President of the United States cause an examination and accurate survey to be made, by a skillful engineer, of a site for a dry dock at the Navy yard at Portsmouth, N. H., Charlestown, Mass., Brooklyn, N. Y., and Gosport, Va., and that such engineer be required to state the dimensions necessary for such docks, the advantages of each of the above-named places for such establishment, the objections that apply to either, with a detailed estimate of the expense of a suitable site, and of constructing a dock at each of said places."

Mr. Baldwin was appointed to execute this work; and it is believed his report will amply justify the selection which was made, and will afford the information, sought by the resolution, in a very satisfactory manner.

It establishes the practicability of building a dock at each of the places named; and at so small a difference in the expense, as to leave the question of location free to be decided by other and more general considerations.

Mr. Baldwin has confined his inquiries and report, as it was probably intended that he should, to the

"advantages of" and "objections which apply to" the several places, so far as the practical building of the dock is concerned, without considering the causes and arguments which prove the necessity of having docks at the navy yard, or the propriety of placing them at one naval station in preference to another.

With a view to supply this omission, I beg leave to refer to the reports of the several boards of naval officers and engineers who were appointed to examine the coasts, &c., in the years 1817 and 1818; also, to two reports from this Department; one made on the 3d March, 1825, in answer to a resolution of the Senate, of the 25th May, 1824, the other on the 30th March, 1826, in answer to a resolution of the House of Representatives, of the 18th March, 1826.

It is believed that these documents sufficiently establish the economy and necessity of docks; and also that the best position for one is at Charlestown, if it be determined that only one shall be built. If more than one be authorized, then that they should be placed in the following order: Charlestown, Gosport, Brooklyn, Portsmouth.

All these places have common and important advantages; the principal reason of preferring them, in the order stated, is, because they would rank in that way for convenience and usefulness in time of war.

It is, however, respectfully suggested, that as a dock at each of the places named can be progressing at the same time; as they will require several years to complete them; as it will be very expensive and inconvenient to remove all our vessels to any one; and as at least three will be indispensable hereafter, the best interests of the naval service require that number to be now commenced.

The appropriation for the three need not embrace the whole amount of their cost, as estimated by Mr. Baldwin. One hundred thousand dollars for each one authorized would be sufficient for the present; even that sum, it is probable, would not be all expended within the year, but when such works are commenced, it is absolutely necessary that they be prosecuted with great vigor until they are entirely completed. They are not like fortifications and other erections on land, which may sometimes be temporarily suspended without serious inconvenience; but being near to, and under the water, they are subject both to great expense in keeping them in a fit state to progress with the work, and to great risk and injury if suspended or neglected. The appropriation should therefore be to an amount which will insure against suspension or delay.

To accomplish this object, it is respectfully recommended that the sum of $100,000 be appropriated for each dock, with authority to build three.

The drawings made by Mr. Baldwin are sent to you, as they are necessary to a proper understanding of his report. It has been impossible to have them copied for each House, and it is therefore requested that they may be returned to the Department, after they shall have been used by Congress.

Respectfully submitted.

SAMUEL L. SOUTHARD.

The PRESIDENT *of the United States.*

BOSTON, *December* 28, 1826.

SIR: I have the honor of presenting the result of examinations and surveys made under your instructions, pursuant to a resolve of Congress, passed May 22d, 1826, which directs an examination and accurate survey to be made by an engineer "of a site for a dry dock, at the Navy yard at Portsmouth, N. H., Charlestown, Mass., Brooklyn, New York, and Gosport, Virginia; and that such engineer be required to state the dimensions necessary for such establishment, the objections that apply to either, with a detailed estimate of the expense of a suitable site, and of constructing a dock at each of said places."

Upon the receipt of your letter, of July 26th, I made the earliest possible arrangements for leaving Salem, to commence the services pointed out in the resolve, agreeably to your request; and, on the 18th of August last, I went to Portsmouth, to begin the surveys and examinations there. I next proceeded to New York, and, last, to Gosport, and have been constantly occupied, since August, on the duties assigned me under the resolve. I have made no new survey of the Charlestown Navy yard, principally for want of time, and for reasons which will be given hereafter. With this report you will receive the drawings and plans which have been prepared, as follows:

No. 1. Plan of the Navy yard at Portsmouth, N. H.
No. 2. Plan of the Navy yard at Brooklyn, N. Y.
No. 3. Plan of the Navy yard at Gosport, Virginia.
No. 4. Plan of part of the Navy yard at Charlestown, Mass.
No. 5. Plan of a dry dock.
No. 6. Plan of the gates for a dry dock.

With these plans before you, and the following observations and details, I hope to give a clear and intelligible view of the two principal objects which seem to have been contemplated by the resolve, viz: a proper site, in each yard, for a dry dock, and an estimate of the cost of building one. In order to this, I shall proceed to give a general topographical account of each yard, with the character of the soil; to point out what appears the most eligible site in each; and next, in reference to the expense and convenience, show the advantages of the one selected. It has appeared to me important, in planning and locating an expensive and permanent structure like a dock, and which must have a direct and powerful influence upon the economical arrangements of a navy yard, that the three different departments of building, of fitting out and arming, and of repairing ships, should be kept separate. Accordingly, it has been a leading motive to place the dock so as to secure the advantages of this arrangement, both to avoid confusion among the various branches of work and workmen, and, at the same time, to give, where it is admissible, a gradual extension of the yard. This has not been done, however, without due regard to the cost of a dock.

PORTSMOUTH YARD.

Upon the plan is represented the whole island on which the yard is established, with part of Jenkins' Island to the south, and the channel between them. All the houses, shops, and other buildings are represented on accurate scales, from careful surveys, together with the depth of water below ordinary high tide, along where the examinations were made. The whole island appears to be composed of a

loose stratified rock, covered with a thin coat of soil, but of variable thickness. Most of the channel between the islands has a rock bottom, and it projects to the edge of the water, along the shore, from the blacksmith's shop round to the office. The whole channel was sounded from the end of the wharf, at the ship house, to the lower end, nearly in front of the marine barracks. The soundings were taken every thirty feet, at the crossing of the two sets of parallel lines, drawn at right angles. Some of these are marked on the plan in feet and inches, which, in this and all other cases, where not otherwise indicated, were taken from the level of ordinary high water. Similar soundings, at the crossings of lines at right angles with each other, every thirty feet, were obtained in the cove between the ship house No. 2 and the office. A few of these only are noted on the drawing, and the bottom, like the steep, high shore which surrounds it, is rock.

Four places were examined as sites for a dock. The first is shown on the plan at B, east of the ship house No. 1, and the foundation would be on rock, partly in the channel and partly in the upland towards the ship house. On one corner of the drawing is shown the result of soundings and borings on these lines, as marked on the plan. One line begins at the corner of the wharf, and extends up to the saw-pit shed, three hundred and fifty feet, and the borings were made at every fifty feet. Two other lines, parallel with this, and east of it, one at fifty, the other at one hundred feet distance, were laid off and sounded, like the first; the result of all which is on the profiles. A great difficulty in building here would be that of securing a coffer dam, where it must be established in very deep water, having soft, muddy bottom, or on rock where the water is more shallow. The expense of the excavation, too, would be great. But the principal objection is the remote and retired part of the yard. It would have the water of the channel on one side and the ship house on the other. The approach to the lower end would be inconvenient below the ship house, and, at the head, still more inconvenient, on account of the high, rocky land which rises fast from the point at A, unless great expense is incurred for removing the hill. Another unfavorable circumstance is the strong current round the wharf, where the entrance to the dock would be, and it would be increased, probably, rather than diminished, by the dock. The current here, and the current and eddies along this side of the island, would render the docking a ship, in any place, sometimes inconvenient, but, in this situation, the embarassment would, at times, be very great, unless at the moment of slack water. Trials were also made in the ship house No. 1, on two lines, fifty feet apart, each twenty-five feet from the keel of the ship. Here the surface of the ground rises pretty gradually, and nearly in the same slope as the keel, being, at the lower end of the house, about two feet, and at the upper thirteen, above high water. The soil is loam and loose sand, having a variable thickness of from four to eight feet, on the same kind of loose rock, or ledge, which is found in other parts of the island. It may, in some cases, be seen between the platform timbers under the keel. The average surface of the rock is about three or four feet above level, and would require an excavation for a dock of more than thirty feet depth. The loss of the ship house, the expense of the excavation, the clearing away and removing the rock and earth at the head of the dock, forbid the selection of this site.

At the cove, between the ship house No. 2 and the office, a dock might be built, but with difficulty. The distance from the point of the wharf, below the landing, crossing the mouth of the cove, to the point of rock by the shiphouse, is about three hundred and fifty feet. Soundings were from eleven to forty-seven feet on this base line, at three feet distance. Parallel with this line, and outside of it, two other lines of soundings, like the first, and at similar distances, gave depths from sixteen to fifty-seven feet. On the inside the whole was examined in like manner, and the bottom almost always rock, with a foot or two of mud or soft sand. From the first or base line to the head of the cove is about one hundred and fifty feet, where the rocky shore rises steep, so that, at one hundred feet further, the surface of the rock is twenty-five or thirty feet above high tide. It would be difficult to construct a coffer dam across this cove, as the bottom is rock, and for a distance of two hundred and fifty feet the average depth of water is thirty-four feet. The head of the dock must be pushed into rock, where great expense would be incurred for excavation, and a strong current would set across the mouth of the dock here.

The fourth place examined is that behind the office in the timber dock. This situation is marked on the plan at A, and the depth of water given, not only where the borings were made, but also at many points beyond the proposed site. All the figures denote depth of water only, where no character of soil is given. The office and timber shed both stand on a solid mass of the ledge, which seems more compact than elsewhere. It slopes off very steep behind the office, and dips into clay, which forms the bottom of the timber dock. Outside the dock fence, trials were made also, and the clay found in some places, though mud and sand were the prevailing substances brought up. Within the dock, and on one of the lines, the boring was 8, 10, and even more, through a stratum of compact, firm clay. But the rock would be found before reaching the necessary depth for the dock, and, of course, piling would be dispensed with.

As the bottom consists of soil favorable for the footing of a coffer dam, this circumstance renders it preferable to the other places. The ground to the eastward, in the direction of the commandant's house, and to the northeast, rises gradually from the shore of this shallow basin in a favorable manner for the erection of warehouses and other buildings connected with the repairing of ships, and will give an easy approach to the dock from that quarter. On the south side, the office may remain, the old lumber house adjoining be removed, and the rock leveled down, to render the passage to the dock convenient there. The position and character of this basin offer great facilities for constructing a good timber dock, parallel with and at a convenient distance from the dry dock. For this purpose the timber basin would be walled in, sunk to a sufficient depth to have two or three feet of water at low tide, and the entrance, which need not be wide, furnished with gates and counter gates, so as to retain or exclude the tide at pleasure. From this basin a communication should be opened to the dry dock by a culvert, so that the water of the latter, when full, may flow into the former when the tide has been excluded. The operation would be this: on the ebb tide, previous to the high water on which a ship is to be docked, the water should be allowed to flow out to level of low tide, the gates closed, and the flood excluded. The consequence would be, that, when the ship is docked at high water, the timber basin would be empty; and, as the tides rise from eight to ten feet, four or five feet of the water in the dry dock might be discharged in a few minutes into the timber basin, and the process of pumping and shoring greatly facilitated. Similar arrangements might be made at Charlestown, where the rise and fall of the tides is nearly the same as at Portsmouth, in both which places this plan would be highly useful to the public service; and, although I have made no particular examination of the ground, nor investigated the expense, the adoption of it, in relation to the general improvement of the navy yards, is worthy the attention of government. At New York and Gosport, where the range of tides is much smaller than here, being at the former about four

and a half feet, and at Norfolk three feet, and the ground not so favorable for the work, perhaps the advantages would not balance the inconvenience and increased expense.

CHARLESTOWN NAVY YARD.

Having, in the fall of 1824, examined this yard, and communicated the result, together with a plan of part of it, I omitted to make any new surveys here, until I should have made those at New York and Gosport. This I did, because I was apprehensive that sufficient time would not be allowed for performing all the services pointed out in the resolve, in season for Congress, and, in case that should be the case, new surveys at Charlestown could better be dispensed with than at the other yards. I have been therefore obliged to make use of the indulgence given in your letter of July 26th,, wherein you left it discretionary with myself to judge whether new surveys were required; and, for want of time to make new surveys, &c., I now submit a copy of my former plan, on which is marked a modification only of the coffer dam formerly proposed.

The site for a dock is the same as that originally recommended, and, for a description of the soil, &c., I beg leave to refer to my former report. This position is near the warehouses, sufficiently distant from the old ship house, and has, on the north side, favorable ground for the foundation of a timber dock, and discharging basin, like that proposed at Portsmouth. The soil lies in irregular strata, consisting of sand, gravel, and clay. Some rocks were reached by the auger, and stopped it. They are probably insulated, and will be no injury to the work, and show the firm nature of the foundation. Sand is found at six feet depth in a trial pit dug near the battery, as represented on the plan of the yard. Gravel was dug through six feet, and the auger descended four feet in the sand, which fell in and choked it, so as to stop all further progress. The two old wells in the yard, shown on the plan, are thirteen feet deep, three or four feet towards the bottom being sand, and all above gravel. Water stands in the east well at five and a half feet depth, and in the west well three and a half feet deep. The bottoms of the wells are twenty-one feet above the floor of the dock, or about twenty-seven feet above the bottom of the necessary excavation. From the result of the other trials, there is no doubt this stratum of sand descends to low water mark, or a little lower, and that it would be passed in digging for the foundation. Although, in the place proposed, firm sand or gravel would probably be found for the floor to rest upon, yet, as it would undoubtedly be in irregular beds, piling must be used.

BROOKLYN NAVY YARD, NEW YORK.

On the plan of this yard are represented all the houses, shops, and other buildings: it embraces, also, all the land owned by government for the yard, and the farm at the east end of the bay, purchased for an hospital. The position and width of the channel, as well as the surrounding and intermediate flats, are laid down from careful surveys; and the ground owned by government, on this and all other plans, is shaded with a light tint of red. Near the north corner of the yard, between the brick warehouse and ship house No. 1, is represented the position first thought of for the site of a dock. Boring was attempted near the edge of the wharf, which is made ground, having been filled in from the adjoining hill, the steep bank of which, left by the removal of earth, now forms, for a great distance, the western boundary of the yard. With much difficulty the auger was sunk 25 feet through gravel and sand; the falling in of this loose substance, and the abundance of water, preventing going deeper. The whole ground here is gravel, loose stones, and sand, and it would be attended with great difficulty to gain a sufficient depth for a dock, on account of water. This circumstance, together with the inconvenience of crowding a dock into the narrow space left between the brick stores and ship house, the whole distance between the front lower corner of the store and the end of the launching slip being 93 feet, and between the upper front corner of the store and the line of the ship house 134 feet, were considered sufficient objections to the location here. This ground is marked off by dotted lines as prepared for sounding, and the distances of the lines from each other noted in feet.

The next place examined, and which is thought to be the most eligible site, is also shown in the plan as marked off upon the flats east of the yard, near the wharf, and nearly at right angles with the channel. At ebb tide, these flats are left bare, and consist of soft mud to the depth of 16 or 20 feet generally. Under this lies a stratum of sand, of variable thickness, from 5 to 9 feet; the lower part of which is composed of fine, compact sand, mixed with a portion of clay, and of such a texture as led to the belief it was impervious to water. Below this is a bed of loose, clean, dark colored sand; which, being loose, filled in and choked the auger to such a degree, that it descended only two or three feet into it. As the borings were necessarily performed through the tide water on the flats, the character of the strata, either for the passage or stoppage of water through them, could not be ascertained. In order to get at a knowledge of these parts, a log, 30 feet long, was bored with a 4-inch bit, so that the ground auger might pass through it. It was shod with a conical hoop on the lower end, and driven as far as possible with a pile engine, at the point *m* on the plan, and descended about 27 feet below high water, and nearly through the compact, clayey sand before mentioned. After taking out the mud with the auger, most of the water being also brought up with it, the boring descended with the compact sand and clay, without any water ascending from the end of the log through the remainder of the stratum. But when, by continuing the boring, this was passed, and the auger entered the lower bed of clean, dark colored sand, fresh water instantly rose, and filled the log to within two or three feet of high water. A copper tube, about three inches diameter and four or five feet long, with a wire bail handle at the top and a valve at the bottom, was made use of to draw the water from the log, and, after two or three men had worked fast, by turns, for about twenty minutes, the water in the log had settled only eight inches. The next morning, however, the water being nearly clear, and quite fresh, was taken out, by the same process, in a few minutes, the water rising very slowly after the bailing ceased.

This stratum of sand, which furnishes such a copious supply of fresh water, is probably the same from which the different wells are filled. There are six wells in the yard, as indicated on the plan. That at the commandant's house is fifty-three feet deep, and has four feet of water, and all of them, though of different depths from the surface of the ground, have the water nearly level with high tide. Their relative depths, from the ground, depths of water, &c., are exhibited on the plan. From these facts, and the experiments made on the log, it is natural to conclude that this stratum of sand, or other layer which supplies the wells with water, dips, on advancing from the high ground, or what was formerly high ground, towards the flats, and there furnishes, at the depth of thirty feet below level, the fresh water we discovered. Notwithstanding the unfavorable nature of the bottom on which the dock must be founded,

it is best in the yard; and probably will be attended with no greater difficulties than are to be encountered at Charlestown or Norfolk. This position will give an extension to the yard; and the filling of the flats, beyond that which will be obtained by the excavation, may be effected at a cheap rate from the hills in Brooklyn, immediately adjoining the yard. Placing the dock here, will leave the wharf free for ships to haul to, for refitting, repairing, &c., and prevent all interference with the operation of building at the ship houses.

GOSPORT NAVY YARD, VIRGINIA.

The most eligible site for a dry dock in this yard is at the south end, near the commandant's house. On the plan are represented the points and lines of examination; the depths of boring and the kinds of soils being given on the profiles. This spot was selected on account of its being the most southerly part of the yard, where deep water is found on a line with the present wharf; and because, at any other point, either between the ship houses or north of them, much inconvenience would result to the operations of the yard. Should the government make purchases outside of the north boundary, it would be advisable to continue the line of wharf or quay wall straight, where a convenient and suitable place would be thus afforded for hauling ships to, for fitting out, or for such repairs as do not require the use of a dock. An inspection of the plan, guided by the scale on which it is made, will show that no room between the ship houses is attainable, without exposure, in case of fire, and a very crowded and narrow space around the dock; the distance between the old ship house and the one now building being one hundred and ninety feet. On the north of the old house, it is two hundred and thirty-five feet to the north line. Here would be room for a dock; but, if the yard comes to be extended further north, the position of the dock there will always be an inconvenient obstruction to a free passage along the yard.

There does not appear to be any difference in the nature of the soil along the shore of the river, nor even in the neighborhood. It is all alluvial. Towards the north the shore is steep, and deep water is found at the foot of the sandy banks. At the proposed site, and south of it, the flats are extensive, composed of deep, soft mud; and the deposit here has probably been occasioned by the mouth of the creek behind the commandant's house opening into a wide cove, which originally extended from the natural bank of the river, now occupied by the yard, to the point of land at the abutment of the bridge near the hospital. The upland soil, however, is the same everywhere; and there is no doubt that the same strata of clay, sand, &c, would be found at nearly the same depths below low water, whether on the flats or plains above. The whole upper stratum of sand composing the soil in the vicinity appears to be saturated with water; and on boring in the front yard of the commandant's house, and on the east side of it, fresh water filled the holes to within four or five feet of the surface, or a little above high water mark. Upon leveling and sounding the wells in the yard, the water seems to stand nearly on the same level: four of them having the surface of water from four and a half to six feet above high tide; the well at the commandant's house being only about six inches above the tide. The depths and relative heights of water in the wells, compared with the tide, may be seen in one corner of the plan.

At all the yards, after selecting the ground for the proposed dock, a line nearly in the direction of its axis, extending nearly three or four hundred feet, was marked off by stakes fifty feet apart, and a line marked in the same manner was laid out at a distance of fifty feet on each side, parallel with the first. The depth of water below, or the height of ground above level of high water, was taken at all those points. It was also intended, at each point, by sounding with rods, and by using the auger, to ascertain the number and nature of the different strata to the required depth of the excavation. But the rod proved ineffectual to any considerable depth below the mud, and the auger could not, by the falling in of the sand and other substances, be carried so deep as was desired. The difficulty was also much increased by the water through which the boring was carried on. The process of boring was very slow in most cases, and to have accomplished it, as at first intended, would have required much longer time than circumstances allowed. On each, therefore, the borings and soundings were attempted at every hundred feet; but so that those on the middle line should be opposite the middle point, between the trials on the side lines. It was soon found necessary to curtail this labor, and the principal trials were made, in some cases, on one line only, as may be understood by the profiles, where the strata are represented as ascertained by the boring. Enough, however, was effected to determine the nature of the bottom. Thus, at the proposed site at Portsmouth, the upper stratum is principally clay; under this, sand, to a thin bed of gravel, which lies immediately upon the rock, wherever the last was reached by the auger. At some points this gravel stopped the boring, and, as it had the same character as that which was passed on reaching the rock, it was concluded that rock was just below it; and upon this supposition the rock is so represented on the profiles. The trials here were mostly confined to the middle line. Rock was found, either by digging, boring, or sounding with the rod, at the points of examination east of the ship house No 1, as given on the profile, except three or four places in the channels, where the rod did not pass the clay.

At Charlestown the excavation will be wholly in sand or gravel, with some clay. At Brooklyn the borings were made as pointed out before, and there is no indication in any of them that other substances than those brought up in the auger will be found; and these were soft mud, sand mixed with clay, and pure sand. The examinations were made in the same manner at Gosport. On the flats, where the water was three feet deep at high tide, the mud was twelve feet deep, to sand; thence the boring was sunk to 39 feet below level, the last nine feet being clay, and the intermediate stratum either yellow sand, or sand mixed with clay. Near the channel, under 10 feet depth of water, the auger was easily pushed 38 feet through mud; and by boring four or five feet through clay, and into a mixture of sand and clay, the sounding reached a depth of 52 feet.

In the yard of the commmandant's house, and at the other point outside of the fence, the borings were sunk, but with great difficulty, to 40 and 42 feet depth below the ground. In the first, sand and clay were found, and the lowest stratum was dark sand. Similar kinds of earth were also brought up, and the boring ended in clay outside the yard. In the last two holes fresh water was soon met with, and it generally stood within four or five feet of the surface of the ground, and a little above high water mark. At Portsmouth the rock is found in irregular masses, loose or full of fissures, through which spring water passes copiously, in excavating a few feet below the surface. There are some springs issuing at the shore, a little above high water, and the wells are sunk in the rock. Upon descending to a depth sufficient to found a dock, it may be expected that water will flow in abundantly. At the other yards this embarrassment will probably be greater.

The general result, therefore, of all the examinations is: *First*, that at Portsmouth, the work will be

founded on rock, without piling; at Charleston, the foundation will rest on sand, gravel or clay; at Brooklyn and Gosport, on sand; and that foundation piles must be used at the three last yards. *Second*, that clay, sand and rock will constitute the excavation at Portsmouth; at Charleston, sand and gravel, with clay; and Brooklyn and Gosport, soft mud, sand of various kinds, with some clay, either pure or mixed with sand. *Third*, that ample provision must be made for draining the works, as the water will come in from the land springs in great abundance, besides that which may be expected from an imperfect defence against the tide.

DESCRIPTION OF THE DOCK.

Drawings Nos. 5 and 6 represent the plan, sections, gates, &c., of the dock, from which the mode of building and dimensions of the rock will be understood, and, with the following general description, is all that will be necessary previous to the estimate. The whole length of the dock floor, or foundation, will be as follows:

	Feet.	Feet.
From the sea to beginning of curved walls of entrance	6	
Thence, to the shoulders for floating gates	13	
Thence, to beginning of recesses for turning gates	8	
Thence, to point of mitre sill	23	
Thence, to line of heel posts of turning gate	15	
		38
The bottom and side walls being curved to gutter	18	
Thence, to the face of return walls, at foot of dock	4	
Thence, to centre of semicircular head of dock	206	
Thence, to head of dock within the coping, being the radius of the head	43	
Thence, to extreme end of bushing, at head	5	
Total length of floor		341

The breadth is 100 feet, and 341×100=34,100 square feet, for the whole area of the floor, which is to rest on a piled foundation, for Charleston, Gosport and Brooklyn. Across the floor are to be driven rows of piles, parallel with each other, and three feet apart between their centres; the piles in each row to be also three feet from centre to centre; an additional row of piles, in the direction of the axis of the dock, and under the keel, is also to be driven, for the distance of 200 feet, so that the middle of this line will be 18 inches from the centre line of the row on each side. Additional cross rows will be driven under the gates. The piles to be, on an average, 20 feet long, and 10 or 12 inches diameter at one-third from the large end.

Cross-timbers, or mud-sills, one foot square, to be placed on the piles, and under the middle of the dock; the heads of the piles to be connected with the sills by dovetailed mortises and tenons; the whole of the space under the sills, round the piles, and between the sills, to be filled, level with their upper surfaces, with broken stones, well rammed, to an average depth of one foot nine inches under the whole floor. Over this course of sills is to be laid a firm, tight floor, of well-jointed three inch plank, closely secured with spikes or tree-nails. Another course of floor timbers is next to be laid on this planking, directly over the sills, one foot thick, and one foot four inches high. Strong tree-nails or copper bolts, to be driven, through this course of timbers and the lower planking, into the sills, and the intermediate spaces of two feet wide to be filled in with stone masonry or brick work, laid in cement, so that the upper surface shall be flush with the tops of the floor timbers. This course of timbers to be covered with well-jointed three inch plank, like the first, and spiked or tree-nailed, and upon this floor the masonry of the dock to be commenced.

Round the whole exterior boundary of the floor runs a line of four-inch sheet piling, fifteen feet long on an average, to prevent, as far as possible, the passage of water under the floor; and to stop its admission between the two courses of floor plank, under the gates and crossing the dock, are to be similar lines of sheet piles, connected with the side sheeting, and well secured to the additional cross sills and timbers, as represented on the sections.

The general interior structure of the dock will be this: The stone floor to be 30 feet wide between the first altars, and at the lower end at the discharging gutter; the whole masonry to be 4½ feet deep on the floor. From this end, the ascent to the centre circular head is 1 foot 3 inches in a distance of 206 feet, and in the middle of the floor, and under the blocks, runs a gutter 1 foot wide, for leading the water to the discharging gutter. From the bottom of the dock rises, on each side, a flight of steps or altars, as follows: The first altar is 1 foot 3 inches high at the foot, and, being horizontal, its upper surface comes level with the floor at the head, having a breadth of 3 feet. The second also rises 1 foot 3 inches, with 2 feet width; the 3d and 4th have a rise of 1 foot each, and are 2 feet wide. The 5th rises 1 foot, and is 4 feet wide, forming the first broad altar or gangway, and is 5 feet 6 inches above the floor. The 6th, 7th and 8th altars have each a rise of 3 feet; the 6th and 7th, a width of 2 feet 6 inches, and the 8th is 4 feet wide, making the second gangway. From this second broad altar the rise is 12 feet, by 3 steps of 4 feet rise and 2 feet breadth each; from the last of which, the rise is 4 feet to the top of the coping, thus giving 30 feet 6 inches depth, from the coping to the floor of the dock, and 86 feet interior width at top, between the faces of the coping. The semicircular head, except where interrupted by the stairs and slips, is formed with altars, having rises and breadths corresponding with those above described. At the head of the dock, and descending on a line with its axis, is a set of slips 6 feet wide, for passing down timber, plank or other materials, to either of the gangways or to the bottom. Parallel with these, and on each side, there is a double set of slips, one descending to the upper gangway, and on the same line with it, and the other for the lower gangway, and on the same line; the horizontal distance between them, equal to the breadth of the two intermediate altars, is occupied by a flight of stairs, five feet wide each, which affords an easy descent to either gangway, and by a return from the lower gangway, at the foot of these stairs, another short flight leads to the floor. On the middle of each side, and behind the coping, is a flight of stairs 5 feet wide, which conducts to a platform or landing 9 feet below the

coping; and by a return from this landing, a convenient descent is obtained by stairs to the upper gangway. A similar flight of stairs at the foot, on each side of the dock, leads to the same gangway, from which stairs continue to the bottom.

The side walls and bottom of that part of the entrance between the foot of the dock and the turning gate posts, have a curvilenear form, the first formed to a course of 60 feet radius, with the centre at the top of the coping on the opposite wall; and both these curves of the side walls end at 22 feet below the upper horizontal line of the coping. Between these points, the bottom has a curvature of 48 feet radius. From the heel posts to the end of the gate recesses, 38 feet, the walls have a horizontal curvature conformable to the curve of the gates, with perpendicular faces. In this space, the mitre sill, and floor over which the gates swing, are horizontal, the former being 1 foot 6 inches above the latter. The side walls of that of the entrance, extending 8 feet from the recesses to the shoulder which is to support the floating gate, are curved from a radius of 60 feet, like those before described; but the curves are continued lower, so as to terminate at 29 feet below the horizontal line of the coping, and the floor here is level between the feet of the interior faces of the side walls. The shoulder of the recess for the floating gate is 1 foot 3 inches wide at the sides and bottom, both of which, for the distance of 13 feet, are formed in the same manner as the former, but the radius of the side walls, from the same centre, is 61 feet 3 inches. The discharging gutter at the foot of the dock is continued, through the masonry of the return walls, in arched culverts 2 feet wide and 4 feet high, on each side, extending 40 feet from the axis of the dock. Here the water will be discharged into side circular culverts, each 5 feet interior diameter, and extending 244 feet to a reservoir constructed in the masonry, under the head of the dock. The axes of these culverts are parallel with and 40 feet from the middle line of the dock, and they will have a descent of 1 foot to the reservoir. The reservoir is 85 feet long; under and across the head to be 9 feet wide, with a semicircular arch, and side walls 7 feet high to the springing of the arch. Into this reservoir the water will be drained by the gutters and side culverts, to be afterwards lifted by pumps. Along the basking masonry of the side walls of the entrance are to be constructed 2 filling culverts, one on each side, 40 feet from the middle line, 3 feet in diameter, with their axes ten feet above the wooden floor. They will open from the tide water in the exterior face of the wing walls, and extend 84 feet to square well rooms, constructed at the beginning of the discharging culverts.

All the faces of the interior masonry of the floor and altars, the faces of the entrance and wing walls, and bottom of the entrance, to be of hammered stone work, laid in cement. The bottom courses of masonry over the whole floor, about 1½ feet in depth, as well as 1½ feet thickness, round the whole exterior basking of the dock and entrance, to be laid in cement also.

Materials for the foundation, floor, and masonry.

Number of piles lengthwise of the dock and entrance, with additional piles at the cross sheet piling, in each row	120
Number of piles in each cross row	34
120×34=	4,080
For additional row under the keel	70
	4,150
Add for waste and loss, 10 per cent. =	415
Total of foundation piles for dock and entrance	4,565

	Cubic feet.	Tons.	Tons.
Mud sills, 120, and 100 feet long, 1 foot square, =	12,000	= 300	
Waste and loss, 10 per cent.	1,200	= 30	= 330
Upper floor timbers, 120 and 100 feet long, 1 foot by 1.33 — 120×100×1.33=	16,000	= 400	
Waste and loss, 10 per cent. =	1,600	= 40	= 440
Total of sills and floor timbers =	30,800	=	770

Lower floor plank, in square feet, board measure	341×100×3=102,300
Upper floor, the same	102,300
	204,600
Waste and loss, 20 per cent.	40,920
Total of 3 inch floor plank, in board measure =	245,520

Plank for sheet piling, 4 inches thick, and average length 15 feet, 1,082×15×4= square feet, board measure	64,920
Waste 20 per cent.	12,984
Total of sheet piling	77,904

	Perches.	Cub. yds
Stone filling under the floor.—This will be equal to the area of the floor, and an average depth of 1 foot 9 inches (341×100×1.75)÷24,75 = amount of dry stone work	2,411	2,210
Masonry of floor in cement.—The spaces between the upper floor timbers to be filled with masonry to be laid in cement, each space 2 feet wide, 100 long, 1.33 deep, and 113 spaces, (100×2×1.33×113)÷24.75=	1,214	1,113

Piles and floor for wing walls.

The wing walls are proposed to extend 100 feet from the entrance, each way, or 80 feet from the side of the dock floor; to rise 29 feet; 10 feet wide at bottom, 6 at top, under the coping, with the back perpendicular, and to batter 4 feet on the face; counter-posts 5 by 4, to rise perpendicular, and at 16 feet central distance.

Foundation piles, similar to dock piles		355
Waste, 10 per cent.		35
Total number of piles		390
Floor timbers, 1 foot square on the piles, =	1,600 cubic feet.	
Waste, 10 per cent.	160 cubic feet.	
Total of floor timbers	1,760 square feet, 44 tons.	
Floor plank, for covering the timbers, 4 inches thick, equal, in board measure		7,680
Waste, 20 per cent.		1,536
Total floor plank		9,216

Filling with stones, rammed, under plank floor, averaging depth of two feet = 3,840 cubic feet = 155 perches.

Bricks.—The reservoir, with the discharging and filling, will be laid the thickness of two bricks in length, and will require for the reservoir	99,025
For two discharging culverts	325,725
For two filling culverts	76,750
Total number of bricks	501,500

Amount of stone masonry when laid.

	Cubic feet.	Perches.	Cubic yards.
Whole amount of masonry in dock, over returns, at the foot	381,911	15,432	14,145
In walls and bottom of entrance	114,806	4,638	4,252
In wing walls, 80 feet long each	43,769	1,768	1,621
For coping on wing walls, returns at the foot of the dock, at the stairs, slips, &c.	3,600	145	133
	544,086	21,983	20,151
Deduct space occupied by the reservoir and culverts	37,353	1,510	1,383
Total of hammered and rough masonry	506,733	20,473	18,768

Account of hammered stone masonry in cubic feet, with hammered surface in square feet.

	Cubic feet.	Square ft.
Bottom, or floor of dock	20,410	44,040
Altars	44,533	91,528
Coping of dock above returns at foot	2,520	5,460
Slips	784	1,726
Stairs, and additional platforms	1,198	3,438
Face of curved walls and curved bottom, within turning gates	5,001	10,494
Mitre sill	1,566	3,570
Floor and walls in front of turning gates	10,052	21,330
Bottom and side walls, inside of floating gates	4,070	5,636
Bottom and side walls, outside of floating gates	3,877	6,120
Coping on wing walls, returns at foot of dock, at stairs, slips, &c.	3,600	12,500
Wing walls	12,000	18,096
Floor of reservoir	957	1,850
Total of hammered masonry	110,568	225,788

Of the above masonry, the following is to be laid in cement:

	Cubic feet.	Perches.	Cubic yards.
All the hammered masonry	110,568	4,467	4,095
Foundation courses, 1½ feet thick, over the whole floor	51,150	2,066	1,894
Backing outside, 1½ feet thick, round both sides of dock and entrance, and head of dock	20,460	827	758
Total masonry in cement	182,178	7,360	6,747
Total rough in common lime	324,555	13,113	12,021
Total of stone masonry	506,733	20,473	18,768

Prices of labor, materials, &c., at the yards.—While engaged in the surveys of the different yards, I made many inquiries relating to the wages generally paid for carpenters, blacksmiths, masons, and common laborers, as well as for the kinds of lumber wanted for the work, either piles, plank, or square pine timber. The result is exhibited in the following table, where you will perceive that little or no difference exists in the day wages of workmen therein named. The common kinds of timber and plank will probably be supplied at so nearly the same prices, in all the yards, that little difference, on this account, or the price of labor, will be made in the estimates hereafter stated. Lime, cement, bricks, and probably sand, will also require no other discrimination than what arises from the difference of freight on the two first. As to bricks, the whole cost is small, and as those which would be called good in one place, would not be considered so in another, and as they would cost about the same at all the yards, if burnt hard for this work, no notice of the variation in prices need be taken; and upon the whole, there does not appear any reason for estimating upon different values at the yards, excepting in lime, cement, and the stone.

In the vicinity of Portsmouth, on the Piscataqua river and its branches, are found abundant masses of granite or gniess, which would afford a sufficient supply of good stones for rough masonry, and many for the hammered work. At Durham, nine or ten miles above Portsmouth, there are several quarries, and one has recently been opened where suitable stone may be procured. I visited Durham to see the quarries, and consult Mr. Matthews, who, with his brother, has been occupied in procuring stone. They are well acquainted with the business, and upon describing the nature of the contemplated work, and the kind and dimensions of the stones that would be wanted, he informed me that, taking the hammered and rough stones together, they could be delivered for about three dollars a perch. Stones may also be procured from Sandy Bay and Cape Ann, as well as from the Quincy quarries; but it is doubtful whether stones of a magnitude and form for the hammered work could be so well obtained from any place as from Quincy.

Inquiries of the same kind have been made, as to the means of procuring proper stones for the work at Charlestown. At Quincy, Braintree and Weymouth, distant eight or ten miles, are immense masses of granite, or, more properly, sienite. Great quantities are brought to Boston for building stores, warehouses, and especially for cellar walls, &c. It abounds principally in Quincy, and hence this kind of stone, brought either from that town or those adjoining, is usually called Quincy granite. A company has recently been incorporated by the name of the "Quincy Granite Railway Company," for the purpose of furnishing, on an extensive scale, this excellent material for building. Within the last year they have constructed, and have now in successful operation, a railway three miles long, for bringing the stones from the quarry to a good landing pier, at tide water, and they have lately purchased a steamboat for transporting stones with certainty and dispatch to Boston and vicinity. The railway passes near the foot of almost perpendicular ledges of this rock, of more than one hundred feet in height, and extends up to the base of another hill still higher, composed of one entire mass, from either of which solid, homogeneous, rectangular blocks may be split, for columns of any magnitude, and of many tons weight, for other purposes.

I went to examine the railway and quarries, since my return from Norfolk, with Colonel T. H. Perkins, the principal owner, and president of the company, to ascertain the state of the ledges, the probable effect of the railway, and other works connected with the establishment, and to see what kind of stone for the dock could be procured there. From this view, and the information obligingly communicated by Colonel Perkins, I believe that no place in the United States offers so many facilities for procuring proper stone for great public works as the Quincy quarries, and none where they can be furnished at a cheaper rate than from this company's ledges. Colonel Perkins informs me that their company would probably agree to deliver all the stones, both for the hammered and rough masonry, at Charlestown, for three dollars twenty-five cents the perch, as it should measure when laid. But I have no doubt they can be procured at a lower rate.

During the last summer I had occasion to ascertain the price of the kind of stone for building ten sea sluices, twenty feet wide each, at the dam to be erected at Salem, for tide water mill power. All the fall stones for the piers and abutments were to be large, with hammered joints, and laid in cement. I found that stones, both for the hammered and rough work, taken together, could be delivered for $2.50 per perch; and upon this information, I received proposals from one of the best stonemasons in this State, for finding all the materials, and hammering and laying all the masonry of the sluices, at a certain sum for the whole. Hence, I think it safe to conclude that suitable stones for both kinds of masonry may be had at Charlestown for three dollars per perch.

No good stones for this work are found in the neighborhood of New York. Those used in building a wall at the poor-house, in Brooklyn, are carried from Haddam, on the Connecticut river, and cost about three dollars per perch of 24.75 cubic feet. They are irregular in form, very hard, and do not split easily in any direction, but would answer for the rough masonry. The same kind is employed in building Fort Lafayette. Freestone, or sandstone, such as is seen in the Battery wall, in the Castle at New York, and marble, of which the new Exchange is built, are all unsuitable for a dock. That in the Battery was brought from Chatham, on the Connecticut river; the Castle stone from Nyack, on the North river; and the marble from the quarries at Sing Sing. The last, if not too dear, would make good work for the hammered stones, except the altars and bottom of the dock; and the other kinds may be employed in the backing or rough masonry. The rough stones will cost about the same as at Charlestown, but all the hammered work I estimate from the Quincy quarries.

Good stones for rough masonry may be obtained at Gosport, at about three dollars the perch, when laid. Some of this kind are now delivered at the navy yard, for the foundation of the new ship house, on contract, from the Goldsborough quarry, on the Susquehanna, near Havre de Grace, at $3.12½ per perch. Many of the stones are large, and would make good hammered work; but they appear to come out of the quarry in layers of irregular thickness, like gniess; do not split well; are very hard to hammer; and could not be obtained and worked into blocks of sufficient size for the proposed dock. I visited the two locks at the north end of the Dismal Swamp canal, in company with Mr. Parks, who superintended the building of them. He informed me that the sandstone from Belleville, New Jersey, of which one of the locks is constructed, costs sixty cents the cubic foot for the coping and dimension stones, and thirty cents for the facing, both rough; and the Susquehanna stone three dollars per perch. The granite coping stone, fifty cents per cubic foot, dressed.

Before leaving Norfolk, I visited, also, the extensive fortifications now erecting at Old Point Comfort and the Rip Raps, to see the kind of stone, and ascertain the prices of the different materials. From the

kind attention which Colonel Gratiot, the superintending engineer, paid to all my inquiries, I found that the Susquehanna granite, or gniess, is wholly used for the stone work, except the dressed coping quoins, &c., which are of freestone, from Acquaia and Potomac creeks. The coarse granite of the scarp settlement, and the piers of the casemates, are laid without hammering, and the stones delivered at $2.65 per perch, called twenty-five cubic feet, as it measures when piled off dry for that purpose; and that it loses about fifteen per cent. when laid and measured in the wall. It would, therefore, amount to three dollars per perch, nearly, in work. Some of it is delivered in large blocks, but angular, and very irregular in shape, and has not the appearance of coming from extensive beds, but of being taken out according to the natural fissures of the rock. The freestone is delivered for eight dollars a ton, called fifteen cubic feet, undressed, but is too soft, and wears and breaks too easily, for the hammered work of the dock. The whole stone masonry of the fort at Old Point Comfort, embracing the granite rough work and the dressed freestone, including mortar, labor, &c., costs about $6.50 per perch.

In the following estimates, timber is taken at forty cubic feet the ton; plank is cast, as board measure, by the one thousand square feet, and the perch of stone, or masonry, equal to 24.75 cubic feet.

A table of the wages of workmen and price of materials, at the dock yards in Portsmouth, Charlestown, Brooklyn, and Gosport.

	Portsmouth.	Charlestown.	Brooklyn.	Gosport.	
Carpenters	$1 50	$1 58½	$1 75	$1 50	Per day, highest price; lowest price, $1.25, for Charlestown average price.
Blacksmith's foreman	1 50	1 34	1 75	1 50	Per day, highest price; lowest price, $1.25, for Charlestown average price.
Strikers	1 00	1 17	1 00	1 00	Per day.
Masons	1 75	2 00	1 75	1 75	Per day.
Splitters, hammerers, and laborers	1 00	1 25	90	87½	Per day.
Common laborers	80	96	82	75	Per day.
White oak timber, from 12 to 14 inches square, and 30 to 40 feet long	12 00	10 00	14 00	8 00	Per ton of 40 cubic feet.
Large white oak timber, 20 to 24 inches square, and 35 feet long	15 00	18 00	18 00	9 60	Per ton of 40 cubic feet.
White oak plank, 2 to 3 inches thick, 25 to 35 feet long	25 00	25 00	40 00	25 00	Per 1,000 ft., board measure.
Good sound hard or soft pine timber, 12 to 16 inches square, and 25 to 40 feet long	5 50	6 00	5 20	5 60	Per ton.
Good timber for piling foundation, round or square, equal to 1 foot square	6 00	6 00	5 00	4 00	Per ton.
Eastern spruce for piling foundation, round or square, equal to one foot square	5 00	4 00	4 00	.....	
Pine piles for foundation, 10 to 12 inches in diameter at one-third from the butt, and 20 feet long, average	.....	.....	.....	4	Per running foot.
Spruce piles for foundation, 10 to 12 inches in diameter at one-third from the butt, and 20 feet long, average	.....	1 00	.....	.....	Per stick.
Merchantable pine plank or boards, 1 to 5 inches thick, 20 to 35 feet long	13 00	14 00	15 00	.....	Per 1,000, board measure.
Same, clear	20 00	20 00	18 00	.....	Per 1,000, board measure.
Merchantable poplar plank, clear	.....	.....	.....	20 00	Per 1,000, board measure.
Merchantable cypress plank, clear	.....	.....	.....	25 00	Per 1,000, board measure.
Clear pine plank, 4 to 5 inches thick, some 40 feet long, and some from 12 to 20, average	22 50	21 00	28 00	.....	Per 1,000, board measure.
Clear poplar plank	.....	.....	.....	20 00	Per 1,000, board measure.
Clear cypress plank	.....	.....	.....	25 00	Per 1,000, board measure.
Good hard bricks	4 75	5 75	6 00	6 50	Per 1,000.
Laying and mortar	4 75	4 75	4 50	4 00	Per 1,000.
New York or Pennsylvania cement	3 37½	3 37½	3 00	3 30	Per cask.
Thomastown lime	1 10	1 00	1 37½	1 37½	Per cask.

ESTIMATE FOR CHARLESTOWN.

Coffer dam.

It is proposed to vary the form and position of the coffer dam, from the plan presented in 1824, as follows: Instead of running it parallel with the dock on the east side, over the flats, to make a bank of earth as high as the coping of the dock, 10 feet wide on the top, 14 feet average height, with slopes of $1\frac{1}{2}$ feet base to one foot rise, on each side, producing an average thickness of 31 feet, to be placed at 100 feet from the east side of the dock; the whole length, 400 feet, extending from the old pier, near the battery, to the line of the coffer dam, crossing the mouth of the dock entrance. From the lower end of this embankment a coffer dam, extending about 400 feet, is to be formed with an angle towards the wharf, and uniting with it, as seen on the plan.

The dam to be formed of timber piles, 14 inches square and 37 feet long, grooved and tongued, and driven in parallel rows, so that the distance between the interior faces shall be 13 feet 8 inches, and 16 feet between the outsides. Three lines of ribbons to run the whole extent on the outside of each row, viz: one on the top, one as low as it can be placed at low water, and the third at an intermediate line between them. At the distance of five feet from centre to centre are to be timber caps, 14 inches square and 20 feet long, locked across the top of the dam and on the upper ribbons. Below these caps are to be iron tie-bolts, 10 feet apart, at each line of ribbons, running through the piles and ribbons, and secured by screws or keys on the outside. They are to be placed alternately in the ribbons, so that there shall be one tie-bolt under each cap. The whole of the coffer dam to be filled in with good earth, rammed, and covered with plank for a bridge.

1. *Coffer dam embankment.*

687 dove-tailed timber piles	1,742	tons,		
Waste, 10 per cent	74$\frac{1}{5}$	tons,		
	816$\frac{1}{5}$	tons, at $6 per ton,	$4,897	20
Pointing, grooving, driving, &c., each pile, at $5			3,435	00
6 ribbons	43	tons,		
Waste, 10 per cent	4$\frac{30}{100}$	tons,		
	47$\frac{30}{100}$	tons, at $4 per ton,	189	20
Dressing and pinning, per ton, $4			189	20
80 cap timbers	55	tons,		
Waste, 10 per cent	5$\frac{1}{2}$	tons,		
	60$\frac{1}{2}$	tons, at $6 per ton,	363	00
Fitting and placing 80 caps, each $1			80	00
80 iron tie-bolts, $1\frac{1}{2}$ inches square, 18.25 feet long = 10,835.7 lbs. at 8 cents per lb.			866	85
Placing tie-bolts at 1 cent per lb.			108	35
Filling dam, = 5,164 cubic yards, per yard 37$\frac{1}{2}$ cents			1,936	50
Covering of dam with 3 inch plank, 400×18×3=21,600 square feet.				
Waste and fitting	2,160			
	23,760 sq. feet, per M. 14 cents,		332	64
Bank on east side of flats 400 long, 14 average height and 31 feet mean width, (400×14×31)÷27=6,429.62 cubic yards, at 32$\frac{1}{2}$ cents per yard			2,089	62
				$14,487 56

2. *Excavation.*

Average depth 22 feet, mean width 120, and length 350 feet, (350×22×120)÷27=34,222 cubic yards, at 37$\frac{1}{2}$ cents per yard		12,833 25

3. *Draining.*

A steam engine of 40 horse power, with boilers, &c., erected and set up for work	$7,000	
House, foundation, &c., temporary	1,000	
Pumps, &c.	2,000	
Engineer at $1.50 per day, 3 years of 312 days each	1,404	
Fireman at 75 cents per day, 3 years of 312 days each	702	
Repairs, packing, oil, tallow, &c., at $400 a year, 3 years	1,200	
Fuel, at $10 per day, for 3 years of 312 days each	9,360	
		22,666 00

4. *Foundation of dock.*

4,565 foundation piles, including waste, at $1.25 each	$5,726 25	
Pointing, fitting, and driving, at $2.25 each	10,291 25	
120 mud sills, 100 feet long, 1 foot square, including waste,=330 tons, at $6 per ton	1,980 00	
Sawing off and leveling heads of piles and filling sills, at $4 per ton	1,320 00	
120 floor timbers, 1.33 by 1 feet, including waste, 440 tons, at $6 per ton	2,640 00	
Trimming, laying, tree-nailing, &c., at $3 per ton	1,320 00	
122,760 feet of 3 inch plank, board measure, for lower floor.		
122,760 feet of 3 inch plank, board measure, for upper floor.		
245,520 square feet, including waste, at $20 per M.	4,910 40	
Jointing, laying, and pinning both floors, at $10 per M.	2,455 20	
77,012 square feet, board measure, of 4 inch plank, including waste, for sheet piling, at $20 per M.	1,540 00	

Jointing, grooving, fitting tongues, and driving, at $20 per M.	$1,540 00	
Filling, round and between piles, under floor with stones, 2,411 perches, including stones and laying, at $1.50 per perch	3,616 50	
Stones for filling with masonry, laid in cement, between upper floor timber, 1,214 perches, at $3 per perch	3,642 00	
For cement, 607 casks, at $3.37½ each	2,048 62	
Laying same, at $2 per perch	2,428 00	
		$45,458 22

5. *Foundation of wing walls.*

The wing walls to extend eastward 80 feet from the floor of entrance, and 20 feet west of the same.

244 piles, including waste, at $1.25 each	$305 00	
Pointing, fitting, and driving, at $2.25 each	549 00	
Floor timbers, 1 foot square, 28 tons, at $6 per ton	168 00	
Sawing piles and fitting timbers, at $4 per ton	112 00	
5,760 feet of 4 inch plank, at $14 per M	80 64	
Trimming, laying, pinning same, at $14 per M	80 64	
100 perches of broken stone, filling under floor, and laying same, at $1.50 per perch	150 00	
Excavation 100 feet long, 7 deep and 14 wide, = 363 yards at 37½ cents per yard	136 87	
		1,582 15

6. *Masonry of dock, entrance, and wing walls.*

14,957 perches for rough stone masonry, at $3.25 per perch	$48,610 25	
3,880 perches for hammered stone masonry, at $3.25 per perch	12,610 00	
857 perches rough for 100 feet of wing wall, at $3.25 per perch	2,785 25	
248 perches hammered work for 100 feet of wing wall, at $3.25 per perch	806 00	
176,928 square feet of hammered surface, in 3,880 perches in dock and entrance, at 15 cents per square foot	26,539 20	
36,192 square feet in 100 feet wing wall, in 248 perches, at 15 cents per perch	5,428 80	
Cement for 4,128 perches of hammered work, 5 perches to one cask, = 826 casks, at $3.37½ per cask	2,787 75	
Sand for 826 casks, 1 load of sand of 25 cubic feet, to 4 casks of cement, = 207 loads, at 60 cents per load	124 20	
Cement for 2,893 perches of rough masonry, on bottom and backing, 2 perches to a cask, 1,446 casks, at $3.37½ per cask	4,880 25	
Sand for same, 361 loads, at 60 cents per load	216 60	
Lime for 12,921 perches of rough masonry, 1 cask to 5 perches, 2,584 casks, at $1 per cask	2,584 00	
Sand for same, 2,584 loads, at 60 cents per load	1,550 40	
Laying 4,128 perches of hammered work, making mortar, &c., $2 per perch	8,256 00	
Laying 15,814 perches of rough work, in lime or cement, &c., and making mortar, &c., at $1 per perch	15,814 00	
		132,992 70

7. *Bricks. Laying bricks.*

501,500 bricks for reservoir and culverts, at $5.75 per 1,000	$2,883 62	
501 casks of cement, at $3.37½ per cask	1,690 87	
125 loads of sand, at 60 cents per load	75 00	
Laying, making mortar, centers, &c., at $4 per 1,000	2,006 00	
		6,655 49

8. *Turning gates.*

The turning and miter posts 1.75 feet square, and 30½ feet long; top and bottom rails 36 long, and 1.75 square, and 9 intermediate rails 36 long and 1.33 by 1.50 feet, for each gate:

4 posts	374 cubic feet.		
2 top and 2 bottom rails	441 cubic feet.		
18 rails	1,272 cubic feet.		
	2,087 cubic feet.		
Add 10 per cent for waste	208 cubic feet.		
	2,295 cubic feet, = 57.37 tons, at $18 per ton,	$1,032 66	
Labor in framing the gates, at $12 per ton		688 44	
Oak plank for gates, 28 by 34, 2 inches thick,	2,808 square feet.		
Waste, 25 per cent	952 square feet.		
	4,760 sq. ft., board measure, at $25,	119 00	
Labor of fitting, spiking, &c, at $30		142 80	
Composition spikes, 5 inches long, 600 lbs., at 30 cents per lb.		180 00	
Lining inside of gates with 1½ inch plank, and outside with ¾ inch plank		331 35	
Cast iron circular rails, wheels, saddles, pivots, capstans, capstan heads, &c., 24,164 lbs., at 4 cents per lb.		966 56	
Fitting same, at 1 cent per lb.		241 00	
270 feet of ¾ inch chain, for opening gates, 1,468 lbs., at 15 cents per lb.		220 00	

Copper and coppering both sides of gates to high water mark:			
32 oz. copper	3,944.50 square feet.		
Add for waste, 5 per cent	197.22 square feet.		
	4,141.72 square feet, including nails, labor, &c.,		
at 22 cents per square foot		$911 17	
			$4,833 32

9. *Floating gate.*

14 horizontal trusses, containing	5,169.46 cubic feet.		
3 posts, 14 inches square, 31½ feet long	340.25 cubic feet.		
2 stems, 14 by 18 inches, 33 long	123.74 cubic feet.		
Timber for boat	526.00 cubic feet.		
	6,159.45 cubic feet.		
Add for waste, 25 per cent	1,539.86 cubic feet.		
	7,699.31 cubic ft., = 192.48 tons, at $18 per ton,	$3,464 64	
Labor and workmanship, at $15 per ton		2,887 20	
Plank, outside gate, 3 inches thick,	5,625 square feet.		
Plank, inside gate, 2 inches thick,	3,648 square feet.		
Plank, for boat, 3 inches thick	3,728 square feet.		
Add for waste, 25 per cent	3,728 square feet.		
	18,641 sq. ft., board measure, at $25 per M.	466 00	
Labor of planking and tree-nailing, at $20 per M.		372 82	
Copper, nails, and coppering, 5,500 square feet, at 22 cents per foot		1,210 00	
Composition spikes, 7 inches long, 1,330 lbs., at 30 cents per lb.		399 00	
Composition spikes 5 inches long, 400 lbs., at 30 cents per lb.		120 00	
Copper bolts, 1¼ inches diameter, 1,200 feet,=5,010 lbs., at 30 cents per lb.		1,503 00	
Boring and driving		36 00	
			10,458 66

10. *Banking up with earth.*

Puddling round dock and entrance, 33 feet high, 3 feet thick, and 782 feet long, (782×33×3)÷27=2,867 cubic yards, at 50 cents per yard		$1,433 50	
Banking up to top of coping, average depth 30 feet, mean width 15 and length 782 feet, (782×15×30)÷27=13,037 cubic yards, at 10 cents per yard		1,303 30	
			2,736 89

11. *Pier wharf, &c.*

The pier wharf, 60 feet wide, will extend 150 feet from the face of the north wing wall, into the channel. It will serve for the delivery of materials in building the dock, and afterwards to be used in docking ships. It will be built on oak piles, at 6 feet distance between centres, in each row. Pine caps, covered with ranging, or small timber tree-nailed upon the caps, and at the lower end, and on both sides, two sticks of timber for cap sills; the top filling to be of earth, 2 feet deep.

300 oak piles, including waste, and additional piles at the corners, &c., 14 inches square, and average length 45 feet, $403\frac{6}{10}$ tons, at $10 per ton		$4,036 00	
Pointing and driving 300 piles, $3 each		900 00	
Cap timbers, including waste	$70\frac{8}{10}$ tons.		
Timbers for cap sills round wharf	20 tons.		
	$90\frac{8}{10}$ tons, at $6 per ton,	544 80	
For covering floor of ranging or small timber, average thickness of 9 inches, equal in the whole to 11,550 feet in length, including waste, at 4 cents per foot		462 00	
Dressing, laying, and pinning same, at 2 cents per foot		231 00	
Covering the whole with earth, 150 feet long, 58 feet wide, and two feet deep, (150×58×2)÷27=644 cubic yards, at 32½ cents per yard		209 43	
Labor in fitting cap timbers and cap sills, 90.8 tons, at $3 per ton		372 40	
			6,655 63

12. *Sheds, workshops, machines, &c.*

Sheds and shops	$1,500	
4 cranes, at $300 each	1,200	
4 driving machines, with rams, at $250 each	1,000	
4 scows, at $350 each	1,400	
		5,100 00

13. *Miscellanies.*

327 cast iron dowels or glyphs, for securing the coping stones, each a cube of 3 inches, 2,207 lbs., at 5 cents per lb.	$110 35	
Setting the same, at 30 cents each	98 10	
Plank, scantling, and small timber, for wheeling scaffolds, bracing coffer dam, &c.	3,000 00	
Copper or composition bolts and dowels for stones in mitre sill, 1½ inches diameter, 1,349 lbs., at 30 cents per lb.	404 70	
Drilling and setting same, at 10 cents per lb	134 90	

Clearing earth and the outside entrance, 100 long, 60 wide and average depth 5 feet, (100×60×5)÷27=1,111 cubic yards, at 50 cents per yard	$555 50	
Removing coffer dam	2,000 00	
For extra work in making pump well, reservoir, wells for capstans, gates, and fitting same at culverts	1,000 00	
Extra filling between the embankment and old wharf, round the dock, down to wing walls,=22,536 cubic yards, at 32½ cents per yard	7,324 20	
Addition to old wharf, south side of entrance, estimated at same rate of new wharf	4,228 53	
		$18,856 28

14. *Superintendence.*

Engineer, superintendence, overseers, &c.	25,000 00
	$310,316 56
Contingencies, 15 per cent.	46,547 48
Total estimate for Charlestown	$356,864 04

ESTIMATE FOR PORTSMOUTH.

1. *Coffer dam.*

This will be built in the same manner as at Charlestown, with an embankment, 100 feet north of the dock. The wing wall to be 100 feet long from the entrance, on the north, or 80 from the side of the platform, and 140 on the south, or 120 from the side of the floor. Whole length of wall, 200 feet. The coffer dam to be connected with the angle of the wharf, below the office. It will be 300 feet long, 13 feet 8 inches wide, on the interior, and constructed, in every way, like the one before estimated for Charlestown, except the depth of filling, which is 21.71 feet, and the whole length 100 feet less than at Charlestown. The embankment will extend 550 feet from the shore, parallel with and 100 feet north of the dock, and be connected with the north end of the coffer dam. Its average height, 10.50 feet; slopes, 1.50 feet base to 1 foot rise, and mean width, 31.50 feet. The Charlestown coffer dam is estimated at 400 feet long, and averages, per running foot, without the filling, 26.15.

Coffer dam, 500 feet long, without the filling, per foot, $26.15	$7,845 00	
Filling, (300×13.67×21.71)÷27=3,297.50 cubic yards, at 37½ cents per yard,	1,236 56	
Embankment, (550×10.50×31.50)÷27=6,737.5 cubic yards, at 32½ cents per yard	2,189 68	
		$11,271 24

2. *Excavation.*

Average depth of *earth*, 13.02 feet; length, 350 feet; mean width, 120 feet; (350×13.02×120)÷27=20,253 cubic yards of *earth*, at 37½ cents per yard,	$7,594 87	
Average depth of rock, 11.61 feet; length, 341 feet; and width, 100 feet; (341×11.61×100)÷27=14,663 cubic yards rock, at $1.50 per yard	21,994 50	
		29,589 37

3. *Draining.*

Same as for Charlestown	22,666 00

4. *Foundation of dock.*

This will be the same as proposed for Charlestown, except the piles and sheet piling. Total for Charlestown	$45,458 22	
Deduct foundation piles	$5,726 25	
Deduct pointing and driving	10,291 25	
Deduct sheet piling	1,540 00	
Deduct pointing and driving, &c.	1,540 00	
	19,097 50	
		26,360 72

5. *Foundation of wing walls.*

This will probably be rock, at about the same depth as at Charlestown, and the whole piling and timber platform will be omitted. The surface of the rock is very irregular, and will require to be leveled to receive the masonry, and this labor is estimated at	$300 00	
Excavation, average depth, 5 feet; length, 200 feet; and width 14 feet; (200×5×14)÷27=518.5 cubic yards, at 37½ cents per yard	194 42	
		494 42

6. *Masonry of dock, entrance, and wing walls.*

The prices will be the same as for Charlestown; the extent of wing walls, 200 feet; but only 100 feet are estimated in the former, the cost of which, in the walls, is, per running foot, $123.43½.		
Total estimate for Charlestown, with wing walls, 100 feet	$132,992 70	
Addition of wings, 100 feet, at $123 43½ per foot	12,343 50	
		145,346 20

7. *Bricks. Laying bricks.*

501,500 bricks, for reservoir and culverts, at $4.75 per 1,000	$2,382 12	
501 casks cement, at $3.37½ per cask	1,690 87	
150 loads of sand, at 60 cents per load	90 00	
Laying, making mortar, centres, &c.	2,006 00	
		$6,168 99

8. *Turning gates.*

Same as for Charlestown	4,833 82

9. *Floating gates.*

Same as for Charlestown	10,458 66

10. *Banking up with earth.*

Same as for Charlestown	2,736 80

11. *Pier wharf.*

Same as for Charlestown	6,655 63
[This will be placed on the north side, and on a line with the entrance.]	

12. *Sheds, workshops, machines, &c.*

Same as for Charlestown	5,100 00

13. *Miscellanies.*

Same as for Charlestown, except filling around dock, and addition to old wharf.		$18,856 28	
Deduct extra filling	$7,324 20		
Deduct addition to old wharf	4,228 53		
		11,552 73	
			7,303 55

14. *Superintendence.*

Engineers, superintendence, overseers, &c.	25,000 00
	$303,975 40
Contingencies, 15 per cent.	45,596 00
Total estimate for Portsmouth	$349,571 71

ESTIMATE FOR BROOKLYN.

1. *Coffer dam.*

This will be formed like that at Charlestown, with timber dove-tailed piles, 16 inchessquare, and 45 feet long; the dam 240 feet long.

361 piles with 10 per cent. waste, 789.83 tons, at $6 per ton		$4,738 98	
Pointing, driving, &c., at $6 each		2,166 00	
Two sets ribbands, one at top and one at level with low water, 960 feet, whole length, including waste, 18.15 tons, at $4 per ton		72 60	
Dressing and pinning the same, at $4 per ton		72 69	
48 caps, 21 feet long, 16 inches square, with waste, 49.5 tons, at $6 per ton		297 00	
Fitting and placing, $1.25 per cap		60 00	
48 iron tie bolts, 18½ feet long, 1½ inches square, 6,591 lbs., at 8 cents per lb		527 30	
Placing tie bolts, 6,591 lbs., at 1 cent per lb		65 91	
Filling dam, average height 28 feet, length 240 feet, and mean width 13.67 feet, (28×240×13.67)÷27=3,402,31 cubic yards, at 37½ cents per yard		1,275 86	
Covering dam with 3 inch plank, 240×18×3	12,960 square feet.		
Waste and fitting, 10 per cent	1,296		
14,256 sq. ft. at 14 cents per foot		199 58	
Embankment on flats, 300 feet long, 10 feet wide on top; average height above flats, 8 feet; add for settling 5 and 13 height; mean width 29.5 feet, (29.5×13×300)÷27=4,261 cubic yards, at 20 cents per yard		852 20	
			$10,328 03

2. *Excavation.*

Average depth 30, mean width 120, and 350 long, (350×120×30)÷27=46,666 cubic yards, at 37½ cents per yard	17,499 75	
		17,499 75

3. *Draining.*

Same as Charlestown	22,666 00

4. *Foundation of dock.*

Same as Charlestown	45,458 22

5. *Foundation of wing wall.*

This to be like that at Charlestown, but 20 feet longer.

Cost at Charlestown, without excavation	$1,445 28	
Add one-fifth	289 05	
Excavation, 15 feet deep, 120 long, and 14 feet wide, (15×120×14)÷27=933 cubic yards, at 37½ cents per yard	349 87	
		$2,084 20

6. *Masonry of dock, entrance, and wing walls.*

14,957 perches for rough stone masonry, at $3.25 per perch	$48,610 25	
3,880 perches hammered stone masonry, at $10.08 per perch	39,110 40	
1,028 perches for rough stone masonry for 120 feet wing wall, at $3.25 per perch	3,341 00	
298 perches hammered stone masonry, at $10.08 per perch	3,003 84	
176,928 square feet hammered, in 3,880 perches, at 15 cents per square foot	26,539 20	
43,430 square feet hammered, in 298 perches, in wings, at 15 cents per perch	6,514 50	
Cement for 4,178 perches hammered work, 5 perches to one cask, 836 casks, at $3 per cask	2,508 00	
Sand for 836 casks, at 4 casks to one load,=209 loads, at 60 cents per load	125 40	
Cement for 2,893 perches of rough masonry, in bottom and backing, 2 perches to a cask,=1,446 casks, at $3 per cask	4,338 00	
Sand for same, 361 loads, at 60 cents per load	216 60	
Lime for 15,092 perches rough masonry, 1 cask to 5 perches,=2,618 casks, at $1.37½ per cask	3,599 75	
Sand for same, 2,618 loads, at 60 cents per load	1,570 80	
Laying 4,178 perches hammered masonry, at $2 per perch	8,356 00	
Laying 15,985 perches rough, in lime or cement, at $1 per perch	15,985 00	
		163,818 74

7. *Bricks and laying.*

501,500 bricks, for resorvoir and culverts, at $6 per 1,000	$3,009 00	
501 casks cement, at $3 per cask	1,503 00	
125 loads of sand, at 60 cents per load	75 00	
Laying, making mortar, centres, &c., at $4 per 1,000	2,006 00	
		6,593 00

8. *Turning gates.*

Same as for Charlestown	4,833 82

9. *Floating gate.*

Same as for Charlestown	10,458 66

10. *Banking up with earth.*

Same as for Charlestown	2,736 80

11. *Pier wharf.*

This will be 60 feet wide, and 150 feet long, like that for Charlestown	6,655 63

12. *Sheds, workshops, machines, &c.*

Same as for Charlestown	5,100 00

13. *Miscellanies.*

Same as for Portsmouth	7,303 55

14. *Superintendence.*

For engineers, superintendence, overseers, &c.	25,000 00
	$330,536 40
Contingencies, 15 per cent.	49,580 46
Total estimate for Brooklyn	$380,116 86

ESTIMATE FOR GOSPORT.

1. *Coffer dam.*

The coffer dam must be placed on the line *g r z*, as seen on the plan of the yard, at D, on account of the deep mud which constitutes the bank of the channel. In this place the piles will reach the bed of clay, and have a firm footing, which could not be obtained further from the shore. The piles to be 50 feet long, 16 inches square; the dam same width as for Brooklyn, and 233 feet long.

358 piles, 16 inches square, 50 feet long	792.07 tons.		
Waste, 10 per cent.	79.20 tons.		
	871.27 tons, at $7 per ton,	$6,098 89	
Pointing, grooving, driving, &c., $7 each		2,506 00	

2 sets ribbons, one at top and one level with low water, 922 feet whole length, with waste,=18.08 tons, at $4 per ton	$72 32	
Dressing, pinning, &c., at $4 per ton	72 32	
47 caps, 21 feet long, 16 inches square, with waste 48.04 tons, at $6 per ton	288 24	
Fitting and placing, at $1.25 each	58 75	
47 iron tie-bolts, as before, 6,353.98 lbs., at 8 cents per lb.	508 31	
Placing same, at 1 cent per lb.	63 53	
Filling the dam, allowing for the sinking of the mud, 15 feet deep, 233 long, and 13.67 feet wide, (13.67×233×15)÷27=1,769.5 cubic yards, at 37½ cents per yard	663 56	
Covering the dam with 3 inch plank, 233×18×3=12,582 square feet.		
Waste and fitting, 10 per cent. 1,258 square feet.		
13,840 sq. ft., at 20 cts. pr ft.	276 80	
Embankment on the flats, average length 250 feet; mean depth, allowing eight feet for settling, 14 feet; top width 10 feet, and mean width 31 feet, (250×14×31)÷27=4,018.52 cubic yards, at 37½ cents per yard	1,506 94	
		$12,115 66

2. *Excavation.*

Mean depth 36.68 feet, length 350, mean width 120 feet, (36.68×350×120)÷27=57,057.77 cubic yards, at 37½ cents per yard		21,396 66

3. *Draining.*

Same as Charlestown		22,666 00

4. *Foundation of dock.*

Same as Charlestown		45,458 22

5. *Foundation of wing wall.*

This will be similar to Brooklyn, without excavation	$1,734 33	
Excavation 28 feet deep, 120 long, width 14 feet, (120×28×14)÷27=1,742.22 cubic yards, at 37½ cents per yard	653 33	
		2,387 66

6. *Masonry of dock, entrance, and wing walls.*

14,957 perches for rough stone masonry, at $3.25 per perch	$48,610 25	
3,880 perches for hammered stone masonry, at $10.60 per perch	41,128 00	
1,028 perches rough, for 120 feet of wing wall, at $3.25 per perch	3,341 00	
298 perches for hammered stone masonry, at $10.60 per perch	3,158 80	
176,928 square feet, hammered, in 3,880 perches, at 15 cents per square foot	26,539 20	
43,430 square feet, hammered, in 298 perches, wings, at 15 cents per square foot	6,514 50	
Cement for 4,178 perches, hammered work, 5 perches to 1 cask=836 casks, at $3.30 per cask	2,758 80	
Sand for 836 casks cement, at 4 casks to a load, 209 loads, at 60 cents per load	125 40	
Cement for 2,893 perches rough masonry, in bottom and backing, 2 perches to a cask, 1,446 casks, at $3.30 per cask	4,771 80	
Sand for cement, 361 loads, at 60 cents per load	216 60	
Lime for 13,092 perches rough masonry, 1 cask to 5 perches, 2,618 casks, at $1.37½ per cask	3,599 75	
Sand for lime, 2,618 loads, at 60 cents per load	1,570 80	
Laying 4,178 perches hammered masonry, at $2 per perch	8,356 00	
Laying 15,985 perches rough, in lime and cement, at $1 per perch	15,985 00	
		166,675 90

7. *Brick, laying, &c.*

501,500 bricks, for reservoir and culverts, at $6.50 per 1,000	$3,259 75	
501 casks cement, at $3.50 per cask	1,653 30	
125 loads sand, at 60 cents per load	75 00	
Laying, making mortar, centres, &c., at $4 per 1,000	2,006 00	
		6,994 05

8. *Turning gates.*

Same as Charlestown		4,833 82

9. *Floating gate.*

Same as Charlestown		10,458 66

10. *Banking up with earth.*

Same as for Charlestown		2,736 80

11. *Pier wharf.*

This, on account of the worms, must be temporary only; but, as there is so little room at this yard, it will be necessary for landing materials; and, therefore, it is put down the same as for Charlestown		6,655 63

12. *Sheds, workshops, machines, &c.*

Same as at the other yards		$5,100 00

13. *Miscellanies.*

Same as for Portsmouth	$7,303 55	
Add loss of commandant's house	7,000 00	
		14,305 55

14. *Superintendence.*

Engineer, superintendents, overseers, &c.	25,000 00
	$346,782 61
Contingencies, 15 per cent.	52,017 39
Total estimate for Gosport	$398,800 00

Recapitulation.

	Estimates at—			
	Portsmouth.	Charlestown.	Brooklyn.	Gosport.
1. For Coffer dam	$11,271 24	$14,487 56	$10,328 03	$12,115 66
2. For excavation	29,589 37	12,833 25	17,499 75	21,396 66
3. For draining	22,666 00	22,666 00	22,666 00	22,666 00
4. For foundation of dock	26,360 72	45,458 22	45,458 22	45,458 22
5. For foundation of wing walls	494 42	1,582 15	2,084 20	2,387 66
6. For masonry of dock entrance, &c.	145,336 20	132,992 70	163,818 74	166,675 90
7. For bricks, laying bricks	6,168 99	6,655 49	6,593 00	6,994 05
8. Turning gates	4,833 82	4,833 82	4,833 82	4,833 82
9. Floating gate	10,458 66	10,458 66	10,458 66	10,458 66
10. Banking up, &c.	2,736 80	2,736 80	2,736 80	2,736 80
11. Pier wharf	6,655 63	6,655 63	6,655 63	6,655 63
12. Sheds, workshops, machines, &c.	5,100 00	5,100 00	5,100 00	5,100 00
13. Miscellanies	7,303 55	18,856 28	7,303 55	14,303 55
14. Superintendence	25,000 00	25,000 00	25,000 00	25,000 00
	$303,975 40	$310,316 56	$330,536 40	$346,782 61
Contingencies 15 per cent.	45,596 31	46,547 48	49,580 46	52,017 36
Total estimate for each yard	$349,571 71	$356,864 04	$380,116 86	$398,800 00

All the calculations for stones in the foregoing estimates are formed upon information obtained in the vicinity of the several dock yards, which seem to justify a belief that the amount cannot be exceeded. The lime and cement also are set down from safe data. The freight to Brooklyn of stones from Quincy, for the hammered work alone, will be about $1.25 per ton, taken at 14 cubic feet, and the stones will be delivered at the wharf for shipping, at 25 cents the cubic foot. The freight per ton to Norfolk will be $1.50; the cost, therefore, of stones for the hammered masonary, will be, at Brooklyn, $0.339 a cubic foot, or $8.40 nearly, per perch, in the rough state, and at Gosport, $0.3571 per foot, or $8.84 per perch. To these must be added, loss by hammering, taken at twenty per cent., which makes the cost of stones, as they would measure when laid, for Brooklyn, $10.08 per perch, and Gosport $10.60; and upon these sums I have estimated. On all the other stone masonary, the same price of $3.25 per perch, when measured in the work, is retained for all the yards.

I have assumed nearly the same data for the masonry and timber at Charlestown and Portsmouth. A great difference appears between the items of excavation and foundation of dock in the estimates; the amount of the former, at Portsmouth, being increased on account of rock, and of the latter being reduced by the omission of piling; the excess at Charlestown on those objects, taken together, being about $4,000. A small variation takes place in the calculation of brick work, on account of the different prices at which bricks may be obtained, in the respective yards. On the price of lumber, labor, iron, composition, metal, or copper, no distinction is made; in many items, the same amount is retained for all the yards, in a belief that the sum will be required, with some slight modifications peculiar to each situation. Thus the draining, foundation of dock, except at Portsmouth, gates, banking, pier wharf, sheds, &c., and miscellanies, excepting the commandant's house at Gosport, and in addition to the old wharf and filling at Charlestown, are all dut down alike at their respective amounts, in each estimate. The removal of the commandant's house at Gosport increases the amount of miscellanies, for that yard, $7,000.

The pier wharf at Portsmouth would be made with the south side, or a continuation of the north side of the dock entrance. The exact position of the dock, at this yard, is not fixed, but nearly so, by the dotted lines on the plan. It may be found advisable to turn the head of the dock more towards the north, in which position, as well as that on the plan, deep water will be found close to the entrance of the docks, by clearing out some sand or clay which lies too high. The cost of this removal is put down at Charlestown at $555.50, as an item under miscellanies, and also retained under the same head for Portsmouth and the other yards. The matter at Brooklyn and Gosport to be removed is soft mud, and although more in quantity than that at the Charlestown yard, will be moved much more easily.

The new wharf at Charlestown, as well as at Portsmouth and Brooklyn, would be permanent and useful structures. At the former place, it would be, as mentioned in the estimate, on the north side the entrance. Upon the south side, an extension of the old wharfing would be an important improvement of the yard, so as to bring its north line to near the south line of the dock entrance. This, upon the data taken for estimating the new pier wharf, will amount to $4,228.53, the area being to that of the new pier as 5,962 to 9,000. The whole filling between the embankment on the north, and the old wharf behind the ship house, and extending down to the wing walls, would be 54,758 cubic yards, and the excavation for the dock is 32,222 yards, which leaves a deficit of about 22,536 yards. The cost of this filling, $7,324.10, is added as an item in miscellanies. At Portsmouth, the excavation will be about equal to similar filling round the dock there. At Brooklyn and Gosport, the excavation will far exceed the necessary filling, in the manner proposed for Charlestown; the excess at the former being about 30,000, and, at the latter, nearly 50,000 cubic yards, which, in both cases, may be thrown out upon the flats, so as to add much to the extent of land. At Gosport, this circumstance is very important, on account of the present confined limits of the yard.

The plan of the dock is formed at the entrance for two gates, one consisting of two leaves, to turn in the usual manner, and one for a floating gate, the plans, elevations, or sections of both of which are given on drawing No. 6. I have given a design for a floating gate upon a new principle, similar to one now used and approved of in France, conformable to a plan furnished by Commodore Morris, who has recently seen such in operation at the docks in Brest. Instead of dropping into grooves or rebates in the side walls, as formerly practiced, this is brought in, broadside, against the shoulders of the entrance walls, sunk to its rest by admitting water into the side boats, and is kept firm against the shoulders of the masonry, by the external pressure of the water, when the dock is drained. The turning gates are made in the common form, and, with the floating gate, furnish a safe protection against the entrance of the tide. Two sets of gates or guards seem on many accounts indispensable. Should an accident happen to the gate, its machinery, or its bearings, if only one is used, great difficulties, expense, and delay must be incurred for repairs. If the masonry of the shoulders of the outer gate is faithfully executed, there is little chance of repairs being required, except the boat-gate itself, and when an accident happens to this, it may be taken into dock at any time, and repaired like a ship. The turning gates may require repairs, injury may occur to the mitre sill, the pivots, rollers, &c.; and without an outward defence against the tide, no repairs, in those parts, could be made. Each set of gates should be made strong enough to resist the whole pressure; but while they are in good order, the strain upon them may be relieved, by dividing the force of the whole head, so that the height of water on the inner gate shall be equal to the square root of half the square of the head upon the outer gate. Thus, if the water stands upon the outer floating gate at 27 feet depth, it should be a little over 19 feet on the turning gates, to produce equal pressures on both.

On my arrival at each yard, a tide board was put up, for the purpose of ascertaining the general range of the tides, and to fix a level from which to reckon the soundings. A register was kept of the high and low water of the day tides, by some officer designated by the commandant, and although the registers extend to a month, or a little more only, the general character of the tides may be observed as follows:

	Highest tide.	Lowest tide.	Average.
At Portsmouth, from September 4 to October 4.....	10ft. 11in.	4ft. 11in.	8ft. 4½in.
At Charlestown, from October 18 to December 5.....	14ft. 5in.	7ft. 4in.	10ft. 3½in.
At Brooklyn, from September 20 to October 17.....	6ft. 6in.	3ft. 0in.	4ft. 6 in.
At Gosport, from November 1 to November 30.....	4ft. 6in.	2ft. 3in.	3ft. 3 in.

The first column, in feet and inches, shows the highest tide that occurred at the place, and within the period mentioned; the second column, the lowest tide, in like manner; and the third is the mean height of all the tides registered during the time specified at the respective yards. At Charlestown, a pretty regular table, from November, 1824, to this time, has been kept, and is now continued. By this it appears that, from November, 1824, with the exception of May, November, and the five intermediate months of 1825, down to last July, the mean height of monthly averages was 10 feet 4 inches; the highest tide during which time was 17, and the lowest 7 feet. At the other years, no registers have been regularly kept, with the exception of those given above.

The depth of the dock, from the coping to the floor, is 30½ feet, the mitre sill being 1 foot 3 inches above the floor. If the dock be placed so as to have the coping 4 feet, as it should be at Charlestown and Portsmouth, above ordinary high water, there will be a depth over the sill of 25 feet 3 inches, sufficient for any common ship of the line. But for docking some of the largest vessels at full draft, they should go in on spring tides. For the 74's and frigates this depth is considered sufficient. At Brooklyn and Gosport, where there is much less elevation of spring tides, the ordinary high water line may be taken at 3 feet below the coping, and thus give one foot more, or 26 feet 3 inches depth over the sill.

The reservoir, and discharging culverts, as before described, are designed to facilitate the docking of ships; the admission of water from the tide, either into the dock or reservoir, or from the dock to the latter, being commanded by draw-gates or shutters. When a ship is to be put into dock, the filling culverts are closed, as well as the passages from the dock to the discharging culverts and reservoir, and the water pumped from the latter. The ship is then admitted and the great gates shut. In this situation, the discharging gates may be drawn, and the water allowed to flow at pleasure into the discharging culverts and reservoir, which have been previously emptied, and thus in a few minutes the water lowered several inches in the dock, to hasten the shoring and produce an immediate pressure on the gates, so as effectually to prevent the admission of water and fix them steadily. The reservoir and culverts would contain above 17,000 cubic feet of water; the water in the dock, &c., supposed level with the top of the upper altar, or 4 feet below the coping, at 1 foot in depth, will be a little more than 21,000 feet; and of this quantity, a ship of the line, admitted at full draft, would displace about 9,000 cubic feet; consequently, to reduce the water one foot when the ship is in dock, only 12,000 feet need be admitted to the reservoir and culverts, and the dock water may be lowered about 1 foot 5 inches to fill them. A complete command of the level, at the moment when a ship, especially a large one, is about to trust the blocks, and to require the placing of shores, seems very important; and this mode will give a more perfect control of the operation, for the first foot, than could be obtained by the best regulated pumps or machinery.

Under the head of contingencies, I have put down a larger amount than is usually done in such cases, but the difficult circumstances of the work required it. In every public undertaking of great magnitude, where much labor is to be performed within a small space, unavoidable interruptions and hindrances occur, which can never be estimated beforehand, but which inevitably swell to an unexpected amount the real expenditure. In constructing a dock, no experienced workmen can be found in our country; it is wholly new here, even to engineers. A great mass of materials of various kinds must be crowded together, near a deep excavation, surrounded with banks of earth; repeated removals and handlings of stone, timber, &c., the ruptures and defects of cautionary measures, to which hydraulic works are particularly exposed; the embarrassments and delays attendant on sinking so deep in porous earth near the tide; the loss of tools, machinery, &c., and a variety of accidents, are all circumstances tending to shake the confidence of the best calculator. There is no doubt, therefore, that the surplus of 15 per cent will be drawn upon largely, if not wholly required in executing the proposed dock. With that sum, in the amount of estimates, there seems no doubt the desired work may be accomplished.

Upon the whole, the construction of a dock, in either of the yards, is quite feasible, and nearly in the position indicated on the plan. The design has been to fix the sites, so that the wing wall on one side the entrance should be connected with the present wharf at each yard, as may be understood by inspection of the drawings. But the ground will admit of a variation from the one shown on the plan, as may be thought advisable hereafter; and, as the excess of excavation at Brooklyn and Gosport will furnish material for greatly enlarging the yard room, it may be best to place the dock, at the latter yard, further south, and that at the former, further east, so as to use the new embankment now making at G. H. instead of the one included in the estimate. The object of the new bank is to extend out to the channel, where it is intended to build a boat house, nearly on the spot represented by the dotted lines, where I propose erecting the pier wharf, in aid of the dock. As to the steam engine, I have only considered the cost of one, for draining the works while building the dock. It will be used afterwards as a permanent and useful appendage to the yard; and, as its location depends upon the works to which it may be applied, such as sawing, blowing the forges, moving tilt hammers, steaming, grinding tools, turning lathes, or other machinery, I have left the expenses incident to its permanent establishment to the ordinary appropriations for improvement of the yards, where the various branches of work carried on will keep it mostly employed. It would probably be placed near the dock, and its connection with the pumps easily effected.

Agreeably to your request, I had the honor of communicating, personally, with the Navy Commissioners, Commodores Bainbridge and Morris, on my way to and from Norfolk. To them I am indebted for much valuable information relative to docks, in various parts of Europe, which I have not seen. A plan of those at Brest, and of the new kind of floating gate, adopted there, were kindly furnished by Commodore Morris. The one I present, however, is different in form from the French docks, and I have endeavored to obviate the objections to which the side slips, in some of the English docks, are liable. I have placed them at the head, so as to afford an easy descent by them, and by the stairs, to either of two gangways, and to the bottom. I have made this modification of my former plan, and strove to render it such as to meet the views of the Navy Commissioners. If I have not succeeded, it is because I have not been able to recollect, fully, all their hints and wishes, rather than a fixed opinion that the one I propose is the best. At all the navy yards, I experienced from the commanding officers their prompt and constant solicitude to aid in the surveys and examinations. It was the desire of the Navy Board that I should confer with the respective commandants, relative to the ground, the proposed sites, and other circumstances connected with the inquiries. This I have done in all cases, and the intercourse has afforded me great pleasure, and testifies their intelligence and zeal in the public service.

With great respect, your obedient servant,

L. BALDWIN.

Hon. SAMUEL L. SOUTHARD, *Secretary of the Navy.*

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